

The Origin, Development, and Refinement of Medieval Religious Mendicancies

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The Origin, Development, and Refinement of Medieval Religious Mendicancies

Edited by

Donald S. Prudlo



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The cover illustration shows "The Founding of the Third Order," a detail from a cycle of the life of Francis by Bonaventura Berlinghieri, taken from the Church of San Francesco in Pescia, Italy.

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Legenda Major di Santa Caterina in ambiente domenicano” in *Il velo, la penna e la parola*, eds. Gabriella Zarri and Gianni Festa (Florence, 2009), pp. 125–131.

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INTRODUCTION

DONALD S. PRUDLO

Near the end of the nineteenth century the Victorian Rambler and travel writer Augustus Hare was present in Rome for the Annunciation procession at Santa Maria Sopra Minerva. There he witnessed a ceremony that dated back to the time of the prominent Dominican Cardinal, Juan de Torquemada (known to theological history as Johannes de Turrecremata; 1388–1468). The Dominican had established a charity for the poor girls of Rome the purpose of which was to present a number of them with a dowry each year on the 25th of March. Hare witnessed two lines of young women in the piazza in front of the church, one of them distinguished from the other by white wreaths. These were the girls destined to enter the convent. As such they were entitled to double the dowry of those headed for matrimony. Wondering at this, Hare was told simply that “money placed in the hands of religion bears interest for the poor.”¹

This offhand comment discloses a tension inherent in the very idea of religious poverty and mendicancy. It illustrates the sometimes uncomfortable nexus between money and indigence, reform and relaxation, power and powerlessness. It also points in the direction of a solution arrived at after hundreds of years of debate in the middle ages. From the beginnings of Christianity decadence and reform had performed a continual dance. Reform attracted support, comfort succeeded asceticism, and was often followed by corruption, leading to new and creative types of reform. This collection of essays is an attempt to offer a comprehensive portrait and outline of the complexity and creativity surrounding one of these periods of reform and response: the issue of religious mendicancy in the later middle ages. Mendicancy was both lived and contested during the period that this book considers. Today there are unfortunately many cases in which the term has become a convenient placeholder for critical thought. While battles raged in the medieval period about its proper interpretation—indeed they were also given new life by the Reformation

¹ Augustus Hare, *Walks in Rome* (London: Kegan Paul, Trench, Trübner, and Co. Ltd., 1905), 480.

controversies—the word mendicancy has become a nominal token in a post-confessional age. It is the purpose of the present work to bring forcefully to the forefront of historical consciousness the complexity and multivalency of the religious mendicancies of the medieval period.

A reappraisal of the idea of mendicancy has certainly been made possible by significant studies that appeared in the last hundred-or-so years. What may justifiably be called the “Francis industry” was profitably begun by Paul Sabatier in his *Vie de Saint François d’Assise* in 1894.² Accompanied by the publication of critical editions of many of the sources surrounding early mendicancy, it was followed by an abundance of new biographies approaching Francis from every conceivable angle.³ This flood of new Francis material has continued to the present day as the “Poor Man of Assisi” continues to exercise a fascination for scholars from many different fields. While consistently illuminating St. Francis by placing him in new lights, this path of study has also been very constricting. Much becomes concentrated and fixed on Francis’ person that could more constructively be viewed in a larger context—by examining mendicancy before, apart from, and in development long after the Franciscan founder.⁴ Without downplaying Francis’ genuine importance, this present work tries to decenter him from the debate and, in so doing, to complexify the story and illustrate the subtle shades of distinction and development that gave mendicancy its vitality and vibrancy.⁵

² Paul Sabatier, *Vie de Saint François d’Assise* (Paris, 1894).

³ Extensive bibliographies on Francis can be found in: John Moorman, *A History of the Franciscan Order From its Origins to the Year 1517* (Oxford, 1968), and in *English Omnibus of Sources for the Life of St. Francis*, ed. Marion Habig (Chicago, 1983). Some more recent biographies include: Michael Robson, *St Francis of Assisi: The Legend and the Life* (New York, 1997); Chiara Frugoni, *Francis of Assisi: A Life* (New York: 1998); Kenneth Baxter Wolf, *The Poverty of Riches: St. Francis of Assisi Reconsidered* (Oxford, 2003); Rosalind B. Brooke, *The Image of St. Francis: Responses to Sainthood in the Thirteenth Century* (Cambridge, Eng., 2006), and Jacques Le Goff’s *Saint Francis of Assisi* (London, 2004). This last work contains an updated Francis bibliography to 1999. One also looks forward to the publication of Augustine Thompson’s new book on Francis. For comprehensive Franciscan biography, see the *Bibliographica Franciscana* published by the Istituto Storico dei fr. minori cappuccini, starting in 1930 and continuing to the present day.

⁴ An example of this approach can be found in Grado G. Merlo, *Tensioni religiose agli inizi del duecento: Il primo francescanesimo in rapporto a tradizioni eremitico-penitenziali, esperienze pauperistico-evangeliche, gruppi ereticali e istituzioni ecclesiastiche*, (Turin, 1984); also the important work done on the Spiritual Franciscan controversy, in particular by David Burr.

⁵ Jacques Dalarun, *Les Vies de Saint François d’Assise* (Paris: Éditions Franciscaines—Éditions du Cerf, 2009), Introduction.

Scholars began similar work on Dominic and the Friars Preachers near the same time as Sabatier, though on a much more modest scale. While excellent critical work on Dominican sources began in the 1890s, in terms of mendicancy, scholarship on Dominic tended to develop in the dominating light of Francis.⁶ There were particularly numerous exchanges on the topic of the originality of Dominic's commitment to poverty.⁷ Yet it was the later Preachers and Minors who worked out a comprehensive defense of their title as mendicants, all the while refashioning it in the light of heresy, inquisition, sainthood, university work, and new urban realities.⁸

Herbert Grundmann broke new ground in his *Religiöse Bewegungen im Mittelalter*, published in 1935. Grundmann had provided a far-reaching and broad analysis of religious movements that situated mendicancy among other contemporary phenomena such as women's religiosity and heresies.⁹ His study placed mendicancy into a much wider context. Later innovative studies in economic, social, and gender history also contributed to a more coherent account of the mendicant movement. The purpose of this collection is to gather contributions from many of the significant scholars who have worked so hard to advance a more integrated and cohesive account of mendicancy in its multifarious form and patterns of development. The essays in this collection are an attempt to look

⁶ One thinks particularly of the Monumenta Ordinis Fratrum Praedicatorum Historica series, as well as the patient toil of such Dominicans as Thomas Käppeli, Daniel Mortier, Antoine Dondaine, Angelus Walz, and Simon Tugwell. A bedrock of Dominican scholarship is Mortier's *Histoire des maîtres généraux de l'Ordre des Frères prêcheurs*, vols. 8, (Paris 1903–1920). For a bibliographical account and assessment of contemporary scholarship on the order see, Donald S. Prudlo, "The Friars Preachers: The First Hundred Years of the Dominican Order," forthcoming in *History Compass*.

⁷ R.F. Bennett gives a very good overview of the controversy in his *The Early Dominicans: Studies in Thirteenth Century Dominican History*, (Cambridge, 1937), esp. 31–51. See also: H.C. Lambermond, *Der Armutsgedanke des hl. Dominikus und seines Ordens*, (Zwolle, 1926).

⁸ While the present work focuses on the two largest orders, much excellent study has also been done on the minor mendicants, and their innovative and unique understandings of mendicancy. See: Franco Andrea Dal Pino, *I Frati Servi di S. Maria* (Louvain, 1972); Frances Andrews, *Other Friars: The Carmelite, Augustinian, Sack and Pied friars in the Middle Ages* (Woodbridge, 2006); and Andrew Jotischky, *The Carmelites and Antiquity: Mendicants and their Pasts in the Middle Ages*, (Oxford, 2002).

⁹ The study of the relationship between mendicancy and heresy has become a particularly studied area. See especially Malcolm Lambert, *Medieval Heresy: Popular Movements from the Gregorian Reform to the Reformation*, 3. ed. (Oxford, 2002); and, Christine Caldwell Ames, *Righteous Persecution: Inquisition, Dominicans, and Christianity in the Middle Ages* (Philadelphia, 2008), as well as the studies of Mariano d'Alatri.

anew at a term that is too often rendered meaningless by overuse and lack of precision. These contributors forcefully bring forward the idea of an organically developing concept that decidedly predated the Mendicant orders themselves, and which those very orders reimagined and reinterpreted almost from the moment of their embracing of Apostolic poverty. There is not always agreement among the contributors of this volume, many various positions are formulated and forcefully defended. This, I think, adds to the value of the text, presenting to the reader a map and grid of various positions and to recent scholarship. What they all bring forward is that it is now opportune to reexamine the meaning of "Mendicancy" itself and to ask whether we are speaking of Mendicancy or mendicancies, and to free ourselves from outworn generalizations in order to get to the facts of the matter.

Augustine Thompson's piece opens this collection with a thorough account of the early history of the idea of religious mendicancy. Analyzing the evolution of the practice of Apostolic poverty in the twelfth century, Thompson discusses both orthodox and heretical approaches to implementing the imitation of the Apostles. He shows that much that has been attributed to Francis is actually found in his predecessors. Thompson points out that mendicancy was not a primary lens through which the new orders understood themselves, especially regarding the issues surrounding the creation of an alternative clergy. He questions the appropriateness of even using "mendicant" as a title for the early orders, and remarks that begging was not central to these groups' identity. Perhaps most significantly Francis, in Thompson's view and against many earlier assertions, was no radical innovator, but rather a traditionalist, bringing to fruition movements that had long been in the offing. Included in his chapter is an overview of the canonical status of mendicancy, an often underrepresented perspective on the issue. All of these considerations open the way for a broader consideration of mendicancy than is usually found, and sets the stage for the later chapters, which explore the various paths down which the interpretations of the slippery concept of mendicancy wended their way.

The chapter by Anthony Lappin guides one through the long-running controversy over Dominic's relationship to poverty. Though much of this present edition works to decenter Francis, likewise Lappin turns the focus away from Dominic and places it more on his mentor Diego of Osma as the motive force behind Apostolic poverty among the Friars Preachers. Additionally Lappin also challenges the long-held attribution of genuine poverty to Cathar heretics, suggesting that it was perhaps

only the Waldensians who truly embraced a mendicant-style poverty. For Lappin, the focus of the early Friars was on preaching, and he proposes that their commitment to poverty was in reality a practical and ingenious response that enabled them to spread quickly over Christian Europe.

Continuing the examination of the early mendicant movements, Joan Muller provides a portrait of the Poor Ladies, and especially of their foundress, St. Clare. In Muller's view Clare was one of the most faithful followers of the original Franciscan vision of mendicancy within the context of a gospel complementarity between the sexes. Noting the quick turning away of the early Minorites from both mendicancy and pastoral care for the nuns, Muller draws a picture of Clare and Agnes of Prague jealously guarding the remnants of a genuinely mendicant lifestyle. In the end, Muller points out the irony that it was the female branch—for whom mendicant begging was impossible—that best carried on a tradition that Franciscan men were abandoning at breakneck speed.

The next set of chapters deals with the progress, development, and responses to the ideal of mendicancy in the thirteenth-century Church. In my contribution I attempt to outline the relationship of mendicancy to sanctity in the orders' self-reflective hagiography. The friars' hagiographers were committed to broadening the scope of holiness and expanding the title to sanctity in directions both more ample and more varied than simple begging or poverty. While the Dominicans foregrounded obedience for their saints, the Franciscans, by the 1250s, had begun to situate poverty and begging within the larger theological category of humility. Stories about Dominic relegated poverty solely as a means to an end, with the concept playing little role in the lives of later saintly Preachers. There was a more marked transition in Franciscan sanctity, where begging became the exceptional privilege of an increasingly inimitable Francis, while later saints, instead of being lauded for poverty *qua* poverty, themselves were transformed into powerful defenders of the poor.¹⁰

Holly Grieco offers insights into the difficulty in maintaining the character of begging friars while at the same time occupying the powerful offices of the inquisition and various other distinct pastoral duties. She focuses on the less-studied Franciscan inquisition and shows how the Minorites had an anti-heretical orientation from the very beginning. She demonstrates that while the Franciscans were not as markedly dedicated

¹⁰ This is markedly opposed to Aviad Kleinberg's thoughts on Francis' exemplarity. See his *Prophets in their Own Country* (Chicago: University of Chicago Press, 1992), 126–148 and his *Flesh Made Word* (Cambridge, MA: Harvard University Press, 2008), 204–224.

to the fight against heresy, as were the Dominicans, Francis himself modeled orthodoxy and his later followers were actively engaged in this spiritual warfare. Indeed inquisition became contested, much like mendicancy, during the period of the dispute over the Spiritual Franciscans. She details the delicate lines that connected heresy and poverty, orthodoxy and inquisition.

In the medieval university the fight about mendicancy and over its interpretation raged as well. Andrew Traver's chapter gives an overview of the difficulties that the friars faced in the universities. He shows that, while that mendicancy was a rallying cry on both sides of the debate, the term also had a remarkable fluidity. The enemies of the friars focused on the problems inherent in begging which in turn fixed the terms of the mendicant controversy of the early 1270s. Traver details the various charges against mendicancy made at this period, the diverse defenses presented against them, and describes in careful detail how each helped to mold and signify evolutions in the concept itself. He points out that it was in these very battles that the idea of "mendicancy" became more fixed.

David Foote's chapter describes the complex relationship among family, commune, and the Orders in the Italian city-states of the thirteenth century. He focuses on the remarkable friar Salimbene, and uses that friar's chronicle as a window through which to view these dynamic and shifting relations. Mendicancy was an urban phenomenon and drew both its numbers and its material strength from the urban families of the period. Foote details the delicate line that the orders walked in being at the same time apart from, yet deeply engaged with, communal politics. He draws much insight from the contrast between the power and the (apparent) powerlessness that was a signal characteristic of these religious communities in the urban setting. Foote credits the mendicants with providing a political theology that enabled them to negotiate the delicate border between community and singularity.

The final group of writers examines the longer term project of redefining and appropriating the idea of mendicancy in the later medieval world. Antonio Rigon connects two disparate historiographies by looking both at the economic theories of the mendicant writers and the economic conditions of mendicant communities on the ground. He suggests that it was these theoretically indigent men who were some of the most original economic thinkers in history and who paved the way for path breaking new thought on poverty, money, credit, and many other economic concepts. The very fact of their consideration of their own condition encouraged

the mendicants to innovate in economic matters. Particularly interesting is his intricate picture of the symbiotic relationship between commune and religious community manifested in both legal and economic sources. In addition he discusses the problems posed by wealth generation through inquisitional confiscation as well as the pioneering of lending and pawn broking near the close of the period. Rigon's essay suggests that mendicancy as a concept may have more purchase than previous authors (including those in the present work) have suggested.

David Burr makes a detailed examination of the effect of the Spiritual Franciscan controversy on the mendicant ideal. He discusses his research into Peter John Olivi and carefully details the various voices in the conflict, enabling us to triangulate the various conceptions of poverty, property, and mendicancy present in the debate. He analyzes the dispute also in terms of urbanization, its relationship to the hierarchical Church, and to internal divisions within the Franciscan order itself. In many ways the Spiritual quarrel signals a canonical decision on the part of the church and the orders regarding mendicancy and its attached concepts, but it was a decision that itself created new possibilities and indicated new directions.

The place of anti-mendicant polemic in literature is the subject of Patricia Bart's essay. She traces the sources of late medieval English literature back to their origins in the works of the friars, some of whom are indeed fathers of English as a literary language. Friars thus appear as standing behind the efforts of even their critics. Bart also seeks to offer a more nuanced reading of the *Canterbury Tales* and *Piers Plowman* not simply as anti-mendicant screeds, but in reality much more ambivalent critiques of society in general, rather than solely aiming at one social station. To that end, she reaches across disciplinary boundaries to contextualize this literature with a much more robust and well grounded presentation of their content and purpose.

Silvia Nocentini finishes the collection with an analysis of the further progress of the mendicant question in the orders of the fourteenth and fifteenth centuries. She notes the movement away from a communitarian notion of being poor together and being with the poor, and more towards solitary mystic experiences. In particular she notes the debates about reform in the Dominican order and describes the various sides within that conversation, ending with the tempered moderation of the mid-1400s. Her contribution brings forward the enduring relevance of the idea of mendicancy, no less than the endless creativity and ability to generate controversy that it produced.

One can hope that these essays will contribute to a broader and more complex understanding of the idea of mendicancy in the medieval period. It also hoped that the debates inherent in it can be approached from new directions, building upon significant recent scholarship. These chapters have not created a consensus, and that is a good thing, because it speaks to the healthiness of the interpretive debate, as well as to the fruitful appropriation of recently discovered sources and new scholarship. This work has sought to contextualize the term "mendicancy" in concrete historical situations, to examine its development, and to acknowledge the various different perspectives and responses both inside and outside of the religious orders. The understanding of a monolithic and unchanging "Mendicancy" or even the attribution of the title "Mendicant Order" must give way to a far more nuanced and accurate conception of "medieval mendicancies" and must be open to the possibility that "mendicancy" could at times be simply a token. Indeed as a term often claimed, altered, derided, and discarded one is guided to the conclusion that it is not as useful a category as once thought. Decentering the term helps us to break out of mental habits that depreciate different shades of meaning as well as offering us alternative paths to studying the self-understanding of the orders and their opponents. If the book has at least done that it will have been a success. This is a final judgment that is best left to the reader.

SECTION I

THE ORIGINS AND FOUNDATION OF MENDICANCY

CHAPTER ONE

THE ORIGINS OF RELIGIOUS MENDICANCY IN MEDIEVAL EUROPE

AUGUSTINE THOMPSON, O.P.

In popular and scholarly writing about the middle ages the common wisdom is that, among the religious events of the thirteenth century, the most important and long lasting was the appearance of the mendicant orders, in particular the Franciscans. Their appearance presents, in the usual narrative, a revolutionary change from not only from earlier Benedictine monasticism, but also from the movement of the canons regular, whose renewal of the Apostolic Life marked the late eleventh century. In addition, what a mendicant order was and still is—for they continue to exist in the modern Roman Catholic Church—seems obvious to writers and readers of this literature.

In place of cloistered contemplation, the Mendicants pursued an active apostolate; in place of stability of life in a single monastery, they were itinerant. Mendicants were part of an international organization under the papacy—an “order.” Most importantly, they practiced a radical form of poverty that included religious begging, the practice from which they received the name “mendicant.” The origin of this new religious movement is generally traced to a single man, Francis of Assisi, who, if he did not create this new way of life out of whole cloth, refashioned earlier attitudes and practices in such a way as to produce something wholly new.¹ The Order of Preachers, originally a group of canons regular founded by the Spaniard Dominic de Guzman to preach against heresy, imitated Francis’ prototype, and together they become the models for nearly every new orders founded in the thirteenth century, as well as providing a pattern for remodeling a good number of older ones.²

This essay questions virtually all of these conclusions, at least as they are commonly understood.

¹ On this conventional version of the origins of mendicancy, see, e.g., Félix Vernet, *Ordres mendiants* (Paris, 1933), 10–14, which provides as good a short overview as any.

² On these other groups, see Frances Andrews, *Other Friars: The Carmelite, Augustinian, Sack and Pied friars in the Middle Ages* (Woodbridge, 2006), esp. 176, who emphasizes the exemplarity of the Franciscans and Dominicans.

Spiritual Poverty as Religious Practice

Well before there existed the concept of a “mendicant order,” there were Franciscans and Dominicans, and it is well to consider why observers seem to have grouped the two movements together nearly from the beginning. Jacques de Vitry, who observed the Dominicans and Franciscans at a very early date, seems to have lumped them together as part of a single movement, something very distinct from the older hermits, monks, and canons. He described this new movement as consisting “of an order of poor men of the One Crucified and an order of preachers.”³ Jacques never used the word “mendicant” to describe the two orders, nor did any other early observer. The words used to describe things are important, and if the term “mendicant” is late, another identifier for the participants, “brother” (*frater*) was in use by each order and by those observing them. The self descriptions, “*fratres Minores*” and “*fratres Praedicatores*,” were distinctive and employed from the very early days of the two groups.

The use of “*frater*” seems to have been intended to distinguish the early Franciscans and Dominicans from the older *ordo monasticus*.⁴ So, perhaps, the best characterization of these two orders would, at least initially, not be “mendicants” but “friars” (*fratres*). There is no evidence, however, that the use of “*frater*” had any legal significance in itself. This usage calls to mind its contemporary use in the title *fratres de penitentia*, the “lay penitents,” who in their earliest legal statutes were also characterized as an “*ordo*,” using the older meaning of the word, which meant, not a religious institute, but a particular class in the Church. Francis’ movement was closely linked to the confraternities of lay penitents and the distinction between them and the first Friars Minor was itself blurry. Pope Gregory IX, who knew the difference, legislated a dress code for the penitent brothers of Fra Giovanni Bono, one of the groups later to form the Order of Augustinian Hermits. The pope insisted that they were to wear black, not gray, and use a leather belt, not a cord. In

³ Jacques de Vitry, *Historia Occidentalis*, ed. John F. Hinnebusch, in *The Historia Occidentalis of Jacques de Vitry: A Critical Edition*, Spicilegium Friburgense, 17 (Fribourg, 1972), 32, 158, on which, see Lester Little, *Religious Poverty and the Profit Economy in Medieval Europe*, (London, 1978), 166–167.

⁴ As noted by Yves M.-J. Congar, “Aspects ecclésiologiques de la querelle entre mendiants et séculiers dans la seconde moitié du XIII^e siècle et le début du XIV^e,” *Archives d’histoire doctrinale et littéraire du moyen âge*, 28 (1961), 36–37, and, independently, by Frances Andrews, *Other Friars*, 2.

addition they were to carry a walking stick.⁵ This described perfectly the dress of Francis of Assisi before his so-called “conversion” as recounted by his earliest biographer.⁶ Francis status as a lay penitent before he became a “Franciscan” should remind us that the original “mendicant order” did not appear out of nowhere.

Since 1935, when Herbert Grundmann published his ground-breaking study of the links between heresy, women’s mysticism, and the rise of the mendicants, historians have recognized the deep roots of Francis’ and his followers’ commitment to religious poverty. From the late 1000s, religious renewal (and heresy) had emphasized poverty as a spiritual good. To understand thirteenth-century mendicancy we need to connect it with these earlier movements of reform. Grundmann emphasized especially the similarities between mendicant spirituality and that of the earlier Waldensians, a trajectory that has been aptly called “pauperistic-evangelical.”⁷ But proto-mendicancy existed among French and German hermit preachers of the eleventh and twelfth centuries, well before Valdes. Their contemporaries criticized these preachers in ways very similar to those the secular masters at Paris used against the Franciscans and Dominicans in the mid-1200s. The spirituality of the hermit preachers added “poverty, asceticism, and the practice of manual labor” to the traditional liturgical life of the monks.⁸ Even more significantly, they practiced a very visible pastoral ministry, preaching and hearing confessions. Their similarity to the early Franciscans is striking.

⁵ Frances Andrews, *Other Friars*, 79–81.

⁶ Thomas of Celano, “Vita Prima S. Francisci,” ed. Michael Bihl, *Legendae S. Francisci Assisiensis Saeculis XIII et XIV Conscriptae* [hereafter C1] (Quaracchi: Analecta Franciscana, 1926), 9.21, English trans., Regis Armstrong et al., “The Life of St. Francis,” *Francis of Assisi: Early Documents I: The Saint* [hereafter FA: ED], (New York, 1999), 201.

⁷ Herbert Grundmann’s *Religiöse Bewegungen im Mittelalter* is now happily available in English as *Religious Movements in the Middle Ages: the Historical Links between Heresy, the Mendicant Orders, and the Women’s Religious Movement in the Twelfth and Thirteenth Century, with the Historical Foundations of German Mysticism* (Notre Dame, 1995). For the significance of this work for the study of the mendicants, see Giovanni Miccoli, “La storia religiosa,” *Storia d’Italia* 2.1: *Dalla caduta dell’impero al secolo XVIII* (Turin, 1974), 609, and Grado G. Merlo, *Tensioni religiose agli inizi del duecento: Il primo francescanesimo in rapporto a tradizioni eremitico-penitenziali, esperienze pauperistico-evangeliche, gruppi ereticali e istituzioni ecclesiastiche* (Turin, 1984), 42–43, who there explains his useful term “pauperistic-evangelical”; and, on Grundmann, succinctly, Frances Andrews, *The Early Humiliati* (Cambridge, 1999), 28–30.

⁸ On the hermits, see Henrietta Leyser, *Hermits and the New Monasticism: A Study of Religious Communities in Western Europe, 1000–1150* (New York, 1984), 87, and my treatment of them in “The Great Alleluia of 1233” (Univ. of California, Berkeley, Ph.D. dissertation, 1985), 3–19.

This proto-mendicancy arose in northwestern France around the year 1100. The biographer of Bernard of Tiron, one of these hermit-preachers, gives an account of the activity of three preachers, Bernard, Vital of Savigny, and Robert of Arbrissel. It is the classical image of the hermit-preacher. He wrote:

In the French regions they went about barefoot; in villages, castles and cities they preached the Word of God; turning men aside from the errors of their life, and, like useful and very powerful battering rams, aided by the force of divine power, they smashed down the walls of infidelity and vice And although they did not raise the bodies of the dead, they did what was even greater, that is, they gave life to souls dead in their sins, and joined them, revived, to the God of true life.⁹

The marks of the hermit-preacher are here: poverty and asceticism (symbolized by their naked feet), itinerancy, and preaching of repentance.

Robert of Arbrissel presented an image of fearful austerity.¹⁰ Wearing a shirt of pigs' hair, he shaved without water and used the ground for a bed, seldom sleeping or taking wine.¹¹ Gerald of Salins' asceticism is described in much the same way. He adopted coarse clothing and a hair shirt; he practiced parsimony in food, drink, and sleep. "Filth and squalor were pleasing to him; poverty was always present," his biographer tells us.¹² Their poverty was symbolized by their bare feet and ragged clothing—the uniform later adopted by Francis of Assisi and his early followers. The *vita* of Bernard of Tiron underlines the ambiguous reception given to the proto-mendicants. After his first period of withdrawal as a hermit, when Bernard finally returned to his monastery, he shocked his fellow monks by his unkempt attire and naked feet. His disgusted confreres lost

⁹ Geoffroy le Gros, *Vita Beati Bernardi Tironiensis* 6.50, ed. G. Henschiuss, *Acta Sanctorum* [hereafter AS] 11 (Apr. II) (Paris: 1866), col. 234A–B. Translations mine unless otherwise noted.

¹⁰ Baudri of Dol, *Vita Beati Roberti de Arbissello* 1.4, ed. G. Henschiuss, AS 6 (Feb. III), col. 609C–D.

¹¹ Baudri of Dol, *Vita Roberti* 2.11, col. 610F. Marbod of Rennes, *Epistolae*, *Patrologia Latina* [hereafter PL], 171 (Paris: 1895), col. 1483A, was less awed and found such attire offensive and outlandish in a cleric.

¹² *Vita Beati Giraldi de Salis* 1.8, ed. J. van Hecke, AS 58 (Oct. X), col. 255F. Etienne Delaruelle, "Les Ermites et la spiritualité populaire," in *L'eremitismo in occidente nei secoli XI e XII* [hereafter *Eremitismo*], Atti della Seconda Settimana Internazionale di Studio, Mendola, 30 agosto–6 settembre 1962 (Milan, 1965), 223–224, would define a hermit by four characteristics: extreme poverty in clothing, particularly, no shoes; long hair and a beard; residence in the forest or woods; a life spent wandering about abstaining from meat and women.

no time in stripping off the rags and giving Bernard a shave and some proper clothing.¹³

The hermit preachers also portended the later mendicants by their involvement with the world. While still secluded in his hermitage, Robert of Arbrissel's fame for austerity spread. His rigor was balanced by a pleasant demeanor, receptiveness, and a willingness to assist those who came to him.¹⁴ Growing numbers sought him out, asking advice and arbitration of disputes. Eventually, he, like the other hermits, abandoned seclusion for a life of itinerant preaching and pastoral activity. This distinguished him from earlier monks and hermits, who avoided contact with outsiders and were not supposed to leave the monastery or hermitage.

Preaching is a major focus of the two *vitae* of the German hermit Norbert of Xanten. After his conversion to a devout life and his priestly ordination, Norbert delivered his first sermon to his community of canons. The theme was reform of life: flee earthly vanities and pleasures.¹⁵ He collected lay followers while preaching barefoot in the snow during the dead of winter, a display of asceticism worthy of the French hermits.¹⁶ His sermons, like those of the earlier hermit preachers, were calls to repentance and reform of life, and, when directed to the clergy, a call to celibacy and detachment from wealth and money. Poverty, shown by asceticism and the avoidance of money, has been seen as the essential aspect of mendicant preachers and the penance movement.¹⁷ And the hermits indeed practiced a very severe form of poverty, probably as rigorous in practice as the later Franciscans.

In contrast, we generally find in descriptions of the hermits little or no evidence of religious begging, a practice that would, as we shall see, become the badge of the mendicants after 1250. This is not to say that

¹³ Geoffroy le Gros, *Vita Bernardi* 5.42, col. 232D–E, records Bernard's return to Saint-Cyprien.

¹⁴ Baudri of Dol, *Vita Roberti* 2.12, col. 610F.

¹⁵ *Vita Sancti Norberti Archiepiscopi Magdeburgensis [B]* [hereafter *Vita Norberti B* 2.11, ed. Daniel Papebroch, AS 21 (Jun. I), col. 811D.

¹⁶ *Vita Norberti B* 7.40, 820A–B.

¹⁷ Above all by Lester Little, "Evangelical Poverty, the New Money Economy and Violence" in *Poverty in the Middle Ages*, ed. David Flood (Werl, 1975), 18, and more generally, in his *Religious Poverty*. A similar opinion is also held by Raoul Manselli, *La Religion populaire au moyen âge: Problèmes de méthode et d'histoire* (Montréal, 1975), 148; and by Ida Magli, *Gli uomini della penitenza: Lineamenti antropologici del medioevo italiano* (Bologna, 1967), 81; and, more cautiously, by Edith Pasztor, "Predicazione itinerante et evangelizzazione nei secoli XI–XII," in *Evangelizzazione e cultura II*, Atti del Congresso Internazionale Scientifico di Missionologia, Roma, 5–12 ottobre 1975 (Rome, 1976), 172.

begging could not be spiritually admirable for their contemporaries. The evidence is ambiguous. In the early eleventh century, Giovanni Gualberti, an Italian hermit on the French model, left the monastery of San Miniato outside of Florence because of the monks' involvement in simony and tried to support himself by begging door to door. But people gave nearly nothing for him to live on, and he had to find hospitality at Camaldoli. Eventually he abandoned attempts at an itinerant life and founded his own monastery at Vallombrosa.¹⁸ Begging did not, as yet, seem practicable as a means of support for a religious.

In a story related by Peter the Chanter of Paris, we are told that Stephen Harding, the abbot of Clairvaux, had to supply his monks during a particularly lean period in 1106. He and a lay brother set out, begging door to door. The lay brother collected more alms, much to Stephen's surprise. Unfortunately, the food and supplies came from a simoniacal priest, and Stephen ordered their return. For the chronicler reporting the incident, the rejection of simoniacal money was a greater sign of Stephen's holiness than his willingness to humble himself by begging.¹⁹ Seeking alms in both cases appears in the context of the rejection of simony, but the theme of rejecting money and valuables as incompatible with religious life is also present, as it is in the lives of the hermits.

Some of these stories could have been told of St. Francis. For example, in the life of Bernard of Tiron, when he discovered that his traveling companions had received in alms a purse with eighteen coins, he rebuked them saying: "Either you cease to be my companion or you cease carrying those coins."²⁰ The reformer Peter Damian decided to join the monastery of Fonte Avellina because he was impressed by the monks' decision to reject the gift of a valuable vase.²¹ The rule written by Stephen of Muret for Grandmont made begging a protest against lack of charity. It specified that should the monks be in want, they were to ask the bishop for help. If he left them unaided and fasting for two days, they were to go door to door begging for food. When they had gotten food for the day, they were to return giving thanks to the monastery.²²

I find no twelfth-century reformer who thought of begging as a primary source of income for his followers. But one might wonder if St. Francis

¹⁸ Jerome of Raggiolo, *Miracula S. Johannis Gualberti*, 3.272–273, PL 146, col. 917.

¹⁹ Héliand of Froidmont, *Chronicon* (An. 1106), PL 212, col. 1005.

²⁰ Geoffroy le Gros, *Vita Bernardi*, PL 172: 1584.

²¹ Henrietta Leyser, *Hermits*, 55.

²² Stephan of Muret, *Regula*, c. 13, PL 204, col. 1145.

himself ever thought of it that way. Observers remarked on hermits' decision to support themselves by manual labor. This parallels with Francis' prescription of manual labor, rather than begging, as the normal means of support for his friars.²³ The biographer of Stephen of Obazine criticized contemporary unreformed canons of 1100s because, unlike Stephen, they did not, among other things, work with their hands:

Rightly, those choosing God and repudiating the world, practice the canonical rule in their worship and the hermit life in their practice. For though canons sing regularly to God, they eat richly, and have no lasting silence, and do little or no manual work.²⁴

The monastic reformer and founder Odo of Tournai, although willing to live on alms for a year, was determined that his monks eventually "live solely from the labor of their hands, from the land cultivated by their teams, and from the nourishment of their herds."²⁵ The Cistercians are well known for a similar rehabilitation of manual labor: their choir monks practiced it ritually for a short period each day. But it was the lay brothers who did most of the heavy lifting.

The hermits practiced a life of wandering preaching, anticipating the itinerancy that marked the early friars. Gerald of Salins encountered Robert of Arbrissel, his future master, as the latter was going about seeking souls for Christ in the villages and strongholds.²⁶ Gerald retired to Robert's hermitage to learn the ascetical life before starting his own wanderings. Like Robert, Gerald went from a hermit life to extensive itinerant preaching. We hear about his preaching only in the vaguest of terms, but two miracle stories, which are probably versions of one original, supply us with a piece of precious information—where the hermits stayed during their travels. We are told that it was Gerard's custom, as he went about to various villages, to lodge with whomever first came and offered him a place to stay.²⁷ Similar stories are told of the lodging habits of the first followers of Francis, such as Bernard and

²³ Francis of Assisi, "Testamentum," 22, Kajetan Esser, ed., *Opuscula Sancti Patris Francisci Assisiensis: Denuo Edidit iuxta Codices Mss*, Bibliotheca Franciscana Ascetica Medii Aevi, 12 (Grottaferrata, 1978), 583; English trans., FA: ED 1: 125.

²⁴ *Vita Stephani Obazinensis*, 1.7, ed. and trans. M. Aubrun, *Vie de saint Étienne d'Obazine*, Institut d'Études du Massif Central, 6 (Clermont-Ferrand, 1970), 54; on which see, Henrietta Leyser, *Hermits*, 21.

²⁵ Herman of Tournai, *Liber de Restauratione S. Martini Tornacensis* 68, ed. L. Nelson, *The Restoration of the Monastery of St. Martin of Tournai* (Washington, 1996), 306, quoted and translated by Henrietta Leyser, *Hermits*, 56.

²⁶ *Vita Beati Giralaldi* 1.3, col. 254F.

²⁷ *Vita Beati Giralaldi* 2.19, col. 258E.

Giles, during their early stay in Florence. Like the hermits, these early Franciscans' itinerancy and scruffy attire generated suspicion.²⁸ Itinerant and lay preaching provoked negative responses from bishops and clergy. Like Francis, however, Robert enjoyed, at least initially, good relations with the hierarchy. In 1096, Pope Urban II, then present in France, heard about Robert and summoned him to deliver a homily at a church dedication. So impressed was the Pope that, "unwilling to let the lamp be hidden under a bushel basket" (cf. Mt 5: 15), he gave him a commission to preach itinerantly throughout the diocese.

The lively depictions of Norbert's sermons provided in his *vitæ* throw further light on his preaching. We are told that the local clergy sought him out to preach to their congregations:

Then church bells were sounded, and the gathering of people of both sexes and every age and state of life came to the church in mass; they willingly heard the Mass and more willingly received his instructions and exhortations. After the sermon not a little discussion occurred about frequenting confession, about doing penance, about husbands and wives, about property, and how those dying with these possessions should be saved. About all these things questions were posed and answers given, and finally at evening those present went off to rest.²⁹

Even if the cooperation of the local clergy was less enthusiastic than this text implies, it is probably an accurate description of the activities attached to preaching. We have heard hints of this sort of counseling in the lives of other itinerant preachers. The liturgical aspects, however, the sounding of bells and the Mass, are not reported of other wandering preachers. Norbert was more clerical than most, and we are told that he carried with him a portable altar and supplies for Mass.

Preaching by hermits, who may never have received orders, raised the question of authority, as most, unlike Robert of Arbrissel, received no papal license. The hermit practice was preach first, request permission later or, perhaps, not at all.³⁰ As in the earliest known example of

²⁸ "Anonymous of Perugia" [hereafter AP], 20–22, ed. in "L'Anonimo Perugino tra le fonti francescane del sec. XIII: Rapporti letterari e testo critico," ed. L. Di Fonzo. *Miscellanea Franciscana* 72 (1972); English trans, FA: ED 2.43–44; the later anonymous *Vita Bernardi*, 3, ed. in *Analecta Franciscana* 3, 37–38, gives the names of the two friars.

²⁹ *Vita Norberti B* 3.28, col. 816F.

³⁰ The origins of the practice of licensing public preachers are rather obscure; we cannot be sure when it originated, although it seems to have been during the early 12th century. See Gilles-Gerard Meersseman, "Eremitismo e predicazione itinerante dei secoli XI e XII," in *Eremitismo*, 171.

licensing, that of the otherwise unknown hermit-preacher Wederic, whom Pope Gregory VII licensed in 1083, the ecclesiastical approbation came after, not before, popular acclamation.³¹ Robert and Norbert also began to preach before they received a license. Whether Bernard of Tiron ever really received one at all is debated.³²

Many had reservations about self-proclaimed apostles and wandering ascetical preachers.³³ An example is found in a remarkable passage of the *De Vita Vere Apostolica*, which in the past was usually ascribed to Rupert of Deutz.³⁴ After dismissing the possibility that one can identify a true apostle by the style, or lack thereof, of his habit or by his dietary peculiarities—thereby striking a direct blow against the hermits—the author directly examined the nature of “apostolicity.” Invoking St. Paul’s self-description as “the least of the Apostles” (1 Cor. 15: 8), he observed that one could identify a true imitator of the apostles, not by his going about preaching and working miracles, but rather by his humility and simplicity of life.³⁵ The idea that any old worldly cleric (*quemlibet immundissimorum clericorum*) who happened to preach was a true apostle sent the writer into a rage, upon which his interlocutor comments, “Oh, that I always saw you so excited!” This author stands in the middle of the debate. As favorable to the reform movement, he declares the incompatibility of worldliness and the apostolic life; on the other as a believer in a retiring monastic spirituality, he pleads the indispensability of stability and humility. Even a conservative like this author had to acknowledge the genuine aspects of the hermits’ way of life.

The proto-mendicants had difficulty placing themselves among the traditional orders because of their activity in the world. Stephen of Muret, the hermit and later monastic founder, counseled his followers, when asked which order they belonged to, to reply: “I am of the order of

³¹ *Chronicon Affligemense*, ed. Georg Waitz, Monumenta Germaniae Historica: Scriptores [hereafter MGH.SS], 9 (Hannover, 1851), 407.

³² Ernst Werner, *Pauperes Christi: Studien zu sozial-religiösen Bewegungen im Zeitalter des Reformpapsttums*, (Leipzig, 1956), 45, says he did not; Johannes Wilhelm von Walter, *Die ersten Wanderprediger Frankreichs: Studien zur Geschichte des Mönchtums* (Leipzig, 1903), 52, surmises that he did.

³³ See Yves Congar, “Aspects,” 80, n. 127, for bibliography on the wide criticism of mixing hermitism with pastor work like preaching and confessions in this period.

³⁴ This work dates to the 1120s and may be by Honorius of Autun. See John H. Van Engen, *Rupert of Deutz* (Berkeley, 1983), 300–301; and M.O. Garriques, “A qui fuit-il attribuer le *De Vita Vere Apostolica*?” *Le Moyen Age* 79 (1973), 421–447.

³⁵ *De Vita Vere Apostolica*, PL 170 (Paris, 1894), col. 632A.

apostles.”³⁶ Norbert of Xanten found his right to preach challenged and he defended it at the Synod of Fritzlar, 1118.³⁷ He was asked: “How can you, a religious, claim a right to preach?” He justified it by his acts of charity and his poverty:

I am asked about my form of religious life, in the presence of our God and Father, the pure and unsullied religious state is this: “to visit orphans and widows in their trials, and to keep oneself unsullied in this world.” And then, if this has to do with my clothing, the first shepherd of the Church wrote this, “not by precious clothing are we rendered acceptable before God.” So John the Baptist is read to have been clothed in camels’ hair and [saint] Cecilia wore a hair shirt. Indeed, the creator of the human race at the beginning of the world made and gave Adam not purple vestments but a tunic of skins.³⁸

Lay people, in whose homes the ill-clad preaching hermits lodged and to whom they unceasingly ministered, would have heartily agreed with this scorching rebuke of the secular clergy. Nonetheless, after this clash, Norbert was careful to supply himself with a mandate from Pope Gelasius II.³⁹ Urban II, at the Council of Nîmes appealed to similar logic to justify the combination of eremitism and apostolic activity:

Some, ignorant of doctrine, more excited by bitterness than inflamed by love, are saying that monks, who are dead to the world and live for God, are unworthy of priestly office . . . but they are completely mistaken.⁴⁰

He went on to list the examples given by St. Bernard, St. Martin and St. Gregory, and added, for good measure, St. Augustine of Canterbury. This argument parallels Bernard of Clairvaux’ defense of his own itinerant preaching: the monk, dead to the vanities of the world, is the best preacher of the Gospel. Urban, like his reforming predecessors, lent his support to the hermit-preachers. He could not ignore their obvious

³⁶ Stephen of Muret, “Sermo de Utilitate Diversarum Regularum,” *De Antiquis Ecclesiae Ritibus*, ed. Edmund Martène (Venice, 1738), 4: 308.

³⁷ *Vita Sancti Norberti Archiepiscopi Magdeburgensis [A]* 4, ed. Roger Wilmans, MGH.SS 12 (Hannover: 1858), col. 673–674.

³⁸ *Vita Norberti A* 4, col. 673.

³⁹ Pope Calixtus II (1119–1124) did not renew this mandate. His reasons are obscure. Meersseman, “Eremitismo,” 171, sees here the growing tendency to declare anti-canonical all preachers who did not possess an ecclesiastical title in the region where they operated. For this reason Pope Innocent III later required St. Dominic to attach himself to a Church in Toulouse before he would grant him a mandate. Whatever Calixtus’ reason, it clearly indicates the growing tendency to restrict itinerant preaching in the early 12th century.

⁴⁰ Giovanni Domenico Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio* [hereafter Mansi], (Padua, 1767; repr. Graz, 1960), 20: 934.

success and large popular followings.⁴¹ They were popular, they favored reform, they appeared orthodox; the Pope would have been a fool to condemn them. And, in fact, the Church, at least for a time, was happy to co-opt them.⁴²

The transition from what I have called the proto-mendicants to Francis might have been seamless—and Francis might have seemed less revolutionary—had there not been a change in climate for new religious movements in the mid-twelfth century. After 1150, free-lance ascetics practicing pastoral care and preaching came in for intense scrutiny. This culminated with Pope Lucius III's decree *Ad Abolendam* in 1184.⁴³ Although it would be wrong to ascribe this change to any one cause, the career of a reformist canon at Brescia seems linked to the change. Arnold of Brescia (ca. 1090–1155), a canon regular who had attracted a good number of students, fell afoul of church authorities when he began agitating against simony and church wealth. Except for his overt criticism of the hierarchy, such agitation stands in the tradition of the hermit preachers. In it he was not exceptional. While in exile in France, however, he became involved in the controversies over the teachings of Peter Abelard and earned the hostility of Bernard of Clairvaux.

Even the great reforming abbot could not criticize Arnold's ascetical style of life, describing him as one "whose life may be honey but whose doctrine is poison, who has the head of a dove and the tail of a scorpion."⁴⁴ When Arnold arrived in Rome for an attempted reconciliation with Pope Eugene III, he was shocked by the wealth of the curialists. Eventually, after taking the losing side in Roman politics, he was executed. Poverty was becoming not merely the badge of reform, but also a claim to a more radical authority than it had been fifty years earlier.⁴⁵

⁴¹ Some, e.g. Meersseman, "Eremitismo," 168 and Delaruelle, "Les Ermites," 217, see Bernard's arguments as a potentially dangerous circumvention of hierarchical authority.

⁴² On the relationship between the regular canons and popular piety in the 11th century see Etienne Delaruelle, "La vie commune des clercs et la spiritualité populaire au XI^e siècle," in *La vita comune del clero nei secoli XI e XII*, Atti della Settimana di Studio, Mendola, 1 (Milan, 1962), 142–185.

⁴³ On Lucius III's decree and the Waldensians, with an appreciation of new scholarship, see Malcolm Lambert, *Medieval Heresy: Popular Movements from the Gregorian Reform to the Reformation*, 3. ed. (Oxford, 2002), 70–77.

⁴⁴ John of Salisbury, *Historia Pontificalis* 31, ed. M. Chibnall, *John of Salisbury's Memoirs of the Papal Court* (Edinburgh, 1956), 63–64.

⁴⁵ Walter Map, *De Nugis Curialium* 1.24, ed. M.R. James, *Walter Map De Nugis Curialium: Courtiers' Trifles* (Oxford, 1914), 40; and John of Salisbury, *Historia*, 31, 64–65.

Poverty in itself, as a religious good and badge of spiritual authority was replacing the poverty that was merely one part of a larger ascetical reform program.

Scholars have suggested, probably correctly, that his shift in the evaluation of poverty was the result of contact with Eastern Christian sources, in particular hagiography, where the holy beggar was a very traditional type.⁴⁶ The most famous product of this pauperist-evangelical spirituality is the convert layman, Valdes, founder of what would become the Waldensian movement. Like Arnold, his relationship to the hierarchy was conflicted, but there is nothing to suggest that he, like Francis later, wanted to do anything other than lead a more intense Catholic life. One version of Valdes conversion has him hearing from a priest: "if you wish to go the whole way, then go and sell everything you have and give to the poor."⁴⁷ What was traditionally considered a call the monastic life, he, like the later Francis of Assisi, decided to follow in a literal fashion.

Walter Map, again echoing texts later famously associated with Francis, said of Valdes and his followers during their visit to Rome in 1179: "They have no permanent homes; they go traveling two by two, barefoot, dressed in woolen cloth, possessing nothing and having everything common like the Apostles, naked, following the naked Christ."⁴⁸ Reformists like Arnold and Valdes are the link between the hermits and the mendicants, and, as a number of scholars have remarked, what makes them different from Francis of Assisi and Robert of Arbrissel is mostly that the popes and bishops of the late 1100s were extremely suspicious of this sort of spirituality, especially when it involved unauthorized preaching.⁴⁹

Francis and the Proto-Mendicants

That Francis of Assisi's form of life has direct links with the older pauperist-evangelical movement, to which the Waldensians also belonged,

⁴⁶ So Henrietta Leyser, *Hermits*, 27–28; also, Bronislaw Geremek, *Poverty: A History* (Cambridge MA, 1994), 17, and Lester Little, *Religious Poverty*, 40–41, who both note, in particular, the arrival and popularity of the *vita* of St. Alexius.

⁴⁷ *Chronicon Laudunensis*, MGH.SS 26: 447.

⁴⁸ Walter Map, *De Nugis* 1:31, 61. Map was not impressed, however, and famously remarked of the group: "If we admit them, we shall be driven out."

⁴⁹ E.g., Henrietta Leyser, *Hermits*, 81.

is now a historical commonplace.⁵⁰ Even the practice of lay preaching, which does not seem to have been originally part of Francis' form of life, was not that unusual. Waldensian lay preaching had been approved, at least briefly, and the lay Humiliati received permission to preach in 1201.⁵¹ The closer one looks at aspects of Francis' life in the context of an on-going tradition of asceticism and preaching stretching back to the hermit-preachers, the more striking the continuity. Even his choice of gray for his movement's habit had already been seen among the hermit preachers. Ordericus Vitalis, no friend of the hermits, reported the observation of Pain Bolotin, a canon of Chartres, that the hermits wore black or white, but the self-professed "holiest" always wore "grayish colors."⁵²

Franciscan similarities to the religious life created by Stephen of Muret at Grandmont are striking. The Grandmontines were allowed to beg for their support, and Stephen said he wanted only the Gospel as rule. Francis, however, was determined that his friars not be assimilated to conventional monks and canons. Famously he was reported to have said:

My brothers! My brothers! God has called me by the way of simplicity and showed me the way of simplicity. I do not want you to mention to me any Rule, whether of Saint Augustine, or of Saint Bernard, or of Saint Benedict.⁵³

While he and his early followers spent long periods as hermits, this was not their exclusive way of life: they were to go out into the world preaching repentance. Even the structure of the Franciscans, where friars were principally members of the order rather than a particular monastery, is unique only in the level of individual mobility. The Praemonstratensians under Hugh of Fosse (1131–1134), the successor of St. Norbert, were reorganized under a general chapter and an abbot general, whose authority very much limited the independence of individual monasteries.⁵⁴ But we should remember that the earlier "orders" were ad-hoc groups, not part of some special legal class of "religious"; this was also true of Francis.

⁵⁰ Although most do not push the link beyond the reformist heretics of the later 1100s: Malcolm Lambert, *Franciscan Poverty: The Doctrine of the Absolute Poverty of Christ and the Apostles in the Franciscan Order, 1210–1323* (London, 1961), 40; Félix Vernet, *Ordres mendiants*, 9; Frances Andrews, *Other Friars*, 85.

⁵¹ Lester Little, *Religious Poverty*, 117.

⁵² Ordericus Vitalis, *Historia Ecclesiastica* 8, ed. Marjorie Chibnal, *The Ecclesiastical History of Orderic Vitalis* (Oxford, 1969–1980), 4: 313; on which, see Henrietta Leyser, *Hermits*, 84–85.

⁵³ AC 18, FA: ED 2: 41–42.

⁵⁴ Lester Little, *Religious Poverty*, 89.

Francis' well-known animosity toward contact with money also has parallels in the earlier period. Peter Damian, in reaction to the wealth of Cluny, had written of it as a principle for reform of religious life: "First of all, get rid of money, for Christ and money do not go well together in the same place."⁵⁵ Bernard of Tiron initially hired outside workers for his monastery, but this was only a temporary measure, to be dispensed with after the brothers learned trades and skills to support themselves rather than live on rents or other sources of cash. In this, Bernard imitated Robert of Arbrissel and Vitalis of Savigny who both insisted that their followers support themselves by manual labor.⁵⁶ In the long view, Francis seems a very traditional man, and perhaps that is what made his movement so revolutionary: it tapped into long admired ideals and fulfilled them in a way the proto-mendicants never did.

In what ways was Francis a "new turn," at least as he conceived of his project? Not, it seems in terms of what later became identified as distinctively "mendicant." The work of David Burr has suggested, rightly I think, that the focus on absolute poverty as central to Francis' message is probably to a great extent the effect of reading him through the optic of the later controversies.⁵⁷ Francis, in his own writings, never concerned himself with technical issues of poverty like *dominium* or *proprietas*. In fact, his own concern was that friars not "appropriate" things to themselves, that is defend their possessions against others.⁵⁸ The very Franciscan regulation that friars were not to keep reserves from day to day was not uniquely Franciscan either. Dominic de Guzman, the founder of the Dominicans had already proposed that principle as a discipline on his own Friars Preachers before he had any contact with Francis or the Franciscan model.⁵⁹ As with the Franciscans, this discipline proved very difficult in practice. Yet it was only at their 1239 General Chapter

⁵⁵ Peter Damian, *Opuscula* 12.4, PL 145: 255; see on this Lester Little, *Religious Poverty*, 75.

⁵⁶ Henrietta Leyser, *Hermits*, 58; Lester Little, *Religious Poverty*, 77–78 (who quotes Geoffroy le Gros, *Vita Bernardi* 1, 3, 7, col. 1375, 1380, 1404); and especially, L. Genicot, "L'érémitisme du XIe siècle dans son contexte économique et sociale," in *Eremitismo*, 68–69.

⁵⁷ David Burr, *Spiritual Franciscans: From Protest to Persecution in the Century after Saint Francis* (University Park, 2001); a warning also posted by James Powell, "Mendicants, the Communes, and the Law," *Church History* 77 (2008), 561.

⁵⁸ As long ago noted by Malcolm Lambert, *Franciscan Poverty*, 50–51.

⁵⁹ *Acta Canonizationis S. Dominici*, [hereafter *Acta Canon.*]32, ed. M.-H. Laurent, *Monumenta Historica Sancti Patris Dominici II* (Rome, 1935), 150; on which, see William Hinnebusch, *History of the Dominican Order* (New York, 1965), 1: 161.

that Dominicans were allowed to keep up to a year of reserves in food and clothing. Even in begging, the Dominicans seem to have antedated the Franciscans. Rudolph of Faenza claimed that Dominic had intended that his followers would support themselves by begging from the first, during the initial missions in Toulouse, again even before he had heard of Francis.⁶⁰ And, in fact, already in 1206, Dominic and his preachers in Toulouse (who were not yet the Order of Preachers) subsisted by begging for food and lodging.⁶¹

The practice of begging at Grandmont has sometimes been compared with the Franciscan practice, but scholars generally consider the parallel weak since the Grandmontines only went begging when they were in need, not as a general practice.⁶² But when we look directly at Francis' own writings and the earliest stories about him, begging is not really a central concern. Francis expected his friars to live by manual labor, and have recourse to begging only in times of necessity. And that parallel with the hermits is striking. The point here is not to prove that Francis is unoriginal, but to understand how he is distinctive, and, at least in his own views on begging, he does not seem much of a break with older or more recent apostolic movements.

The role of begging among the Grandmontines seems exactly the kind of life that Francis prescribed for his followers in his Earlier Rule (chapter 9) and that was enshrined in the *Regula Bullata* of 1223 (chapter 4).⁶³ Early Franciscan begging seems ad hoc, and it met with skepticism from those approached.⁶⁴ It would a long time before systematic begging, like that described by Salimbene in the later 1200s, became a part of Franciscan life. He describes teams of Franciscan beggars going door to door, collecting food and then depositing it in a common basket covered with a white cloth at the head of the street. Nothing like this appears in the stories about Francis, even those written down in the mid-1200s.⁶⁵

⁶⁰ *Acta Can.*, 32–34, 150–151.

⁶¹ Robert of Auxerre, *Chronicon*, MGH.SS 26:271; *Historia Albigensis*, 5, PL 213: 554; on which, see William Hinnebusch, *History*, 146.

⁶² *Regula* 13, PL 204: 1145.

⁶³ On which, see Louis George Meyer, *Alms-gathering by Religious: An Historical Conspectus and Commentary* (Washington, 1946), 26–27, for legal consideration.

⁶⁴ AP 20–22, FA: ED 2: 43–44.

⁶⁵ Salimbene da Adam, *Cronica*, ed. Giuseppe Scalia (Bari 1966), 1: 60–62, 587; English trans. Joseph L. Baird et al., *The Chronicle of Salimbene da Adam* (Binghamton NY, 1986), 18–19, 408.

Spiritual Poverty in Canon Law

How we get from Francis, who seems hardly a “mendicant” in the later sense, to the Franciscans with the “privilege of mendicancy” supported by legal theories of “absolute poverty,” deserves systematic study. I can only sketch first impressions here. Until the promulgation of the new code of canon law in 1983, “Mendicant Order” was not merely a generic term, it was a canonical category, guaranteeing such religious particular rights, in particular that of begging publicly for alms without permission of the local bishop. By the post-Tridentine period, this right was especially attached to those orders that were “truly and historically mendicant.” That is to say, those founded in the middle ages, specifically as mendicant orders, and who practiced “true mendicancy.” Mendicancy was here understood as a severe form of poverty in which, not only the individual religious possessed no personal property, but the order as a whole had, in theory, no fixed sources of income and very little if any corporate property.⁶⁶ Legally, it was taken for granted that this peculiar form of life was an innovation of the Franciscans, and secondarily the Dominicans, and that it typified both from their papal approbation as orders.

In fact, such a strict and explicit legal definition of mendicancy cannot be found in any legal or other sources relating to the foundation or early history of the two orders. It would seem that the first individual to define “mendicant poverty” in terms of individual and corporate non-ownership was Pope Gregory IX, the friend of both Francis and Dominic, who, in *Quo Elongati* (28 September 1230), issued at the request of a Franciscan General Chapter, defined authoritatively what Francis was supposed to have intended when he wrote in chapter 6 of the *Regula Bullata* that the friars were not to “appropriate” anything to themselves. He wrote:

Therefore we decree that property [*proprietas*] may be possessed neither individually nor in common. However, the friars may have use of equipment or books and such other movable property [*proprietas*] as is permitted, and that the individual brothers may use these things at the discretion

⁶⁶ On mendicant privilege in modern canon law (before the New Code of 1983 where the category is dropped), see Louis George Meyer, *Alms-Gathering*, esp. 66–67: on the *Codex Iuris Canonici* (1917), c. 621. By the time of the promulgation of the 1917 Code, canonists had construed the historical and practical requirements of “mendicant” status so rigorously that even the Dominicans and Conventual Franciscans were excluded. Only a small group of reformist Franciscans could meet the requirements.

of the general and provincial ministers. Dominion [*dominium*] over places or houses is excepted; this is the right of those to whom you know they belong.⁶⁷

This letter is more problematic than it first appears, especially in its legal import. While excluding possession of “*proprietas*,” individually and in common, it still speaks of the friars as having “*proprietas*” (here movables), and their superiors exercise “*dominium*” over such moveable property, even if “*dominium*” over real estate is excepted. The term “use” (*usus*) in this document, in contrast to later legislation, seems not to have any legal precision at all. The refinement of the technicalities of “use” versus “ownership” that characterized Franciscan theories of mendicancy by the early 1300s cannot be read back into this document. That such legal elaboration is foreign to a document written in 1230 should put us on guard against reading any such legal concepts back into the time of Francis himself.⁶⁸

Nor does Gregory attach any specific significance to the practice of begging, something so important later as a “mendicant privilege.” In fact, he never mentions it. The first pope to formalize and recognize the Franciscan and Dominican practice of public begging as a legal right seems to have been the Dominican Pope Pius V, in his decree *Etsi Mendicantium* (16 May 1567), where he founds the right to beg not on some inherited privilege but on the practical consideration that if the friars are non-possessors then forbidding them to beg risks causing them to starve.⁶⁹ By the sixteenth century, however, it is clear that “mendicant orders” did exist as a legal category, and had done so since the codification of their privileges by the Franciscan pope Sixtus IV in his 1476 bull *Mare Magnum*, which, among other things, allowed the Dominicans to hold common property outright.⁷⁰ These papal legal actions are late. I flag them here so that when we examine papal legislation on the earlier friars, we do not mistake vague characterizations for this kind of clear legal categorization.

⁶⁷ Gregory IX, *Quo Elongati*, 6, FA: ED, 1: 573.

⁶⁸ This is as Malcolm Lambert, *Franciscan Poverty*, 86, long ago observed. Even in the 1280s, during the controversies over the teachings of John Peter Olivi, he could still think of poverty principally as a spiritual attitude and way of living rather than as a precise legal category: see David Burr, *Spiritual Franciscans*, 51–53.

⁶⁹ *Codicis Iuris Canonici Fontes*, ed. P. Gasparri (Vatican City, 1923–1939) 121.2.15, on which see Louis George Meyer, *Alms-Gathering*, 43.

⁷⁰ On Sixtus’ legislation, see Frances Andrews, *Other Friars*, 64.

Along with poverty and begging, the mendicant movement is seen as the origin of the new institutionalization of religious life, the “order,” which replaced the monastery as the place for individual association. Before the rise of the mendicants, “ordo” was used as a generic term for a state within the Church, not an administrative category. Such is its use in phrases like *ordo monasticum*, *ordo clericorum*, *ordo laicorum*, and, for later developments perhaps the most important, *ordo poenitentium*. Significantly, Francis himself never used the word “ordo” in any of his own known writings before the approval of the *Regula Bullata* in 1223, the first document in which his group of followers is called an “ordo.” Before the approval of that rule, Francis referred to his project as a *fraternitas* or, more commonly, as his *forma vitae*. Given the traditional use of “ordo” as a label for those individuals following a certain form of life within the Church, we might wonder if it had any other meaning for Francis even after he began to use it in 1223.⁷¹

If we use membership in an “order” as meaning that the friars’ primary sense of affiliation was to some community larger than the local religious house, it is not immediately clear that outsiders saw the friars members of a supra-regional “order” any more than members of a Benedictine monastery thought of themselves as members of the *ordo monasticus*. Indeed, one recent study has suggested that, at least in Italy, the general perception was that the friars were monastery-based religious, just like the older Benedictines.⁷² On the other hand, direct papal involvement as patron and protector of the friar groups as a whole, even against bishops, was a novelty that went beyond the tradition of papal exemptions for monasteries that date back to Cluny.

The one place where the conventional description of the mendicants’ distinctive nature of is surely correct was their active role in apostolic life, especially in preaching and sacramental ministry. But whether this work was, of itself, sufficient to create a legal or even conceptual “mendicant identity” is not so clear. Certainly, this pastoral activity was neither new nor distinctive in itself: “secular” clergy existed to do both and did so from antiquity. What characterizes the mendicants is, for the Dominicans from the beginning, and for the Franciscans as soon as priests began to join, that they constituted, and were perceived to constitute an alternative clergy.

⁷¹ See Yves Congar, “Aspects,” 38, on the use of “ordo” by later mendicants to mean a “form of life expressly approved by the pope.”

⁷² James Powell, “Mendicants,” 567–568. Frances Andrews, *Early Humiliati*, 4, uses this psychological definition for what characterizes membership in an order.

It took until the 1250s for mendicant competition with the secular clergy to draw harsh criticism and demands for justification. Pope Alexander IV's privilege *Nec Insolitum* (22 December 1254), in which he gave the Dominicans and Franciscans permission to preach and hear confessions (except for the "Easter Duty") without recourse to the local bishop, seems to have triggered the debate. The papal move was ad hoc, the result of independent requests from the two orders, rather than a sense that they belonged to a special class deserving of such a privilege. The Paris clerics, Gerard of Abbeville and Nicolas of Lisieux, beginning in the late 1260s, attacked the legitimacy of this kind of alternative, extra-parochial ministry, even with papal approval.

In addition, the masters attacked the two orders' hitherto largely unremarked practice of begging, an attack that elicited defenses from both the Dominicans and the Franciscans, in particular the reply of Bonaventure, who carefully distinguished Franciscan begging (as a religious discipline) from that of the indigent poor (out of necessity).⁷³ This controversy heightened, if it did not create, a Dominican and Franciscan sense that both orders composed a distinct species of religious distinguished by begging. And, indeed, it is during the Paris controversies of the 1250s that papal letters for the first time grouped Franciscans and Dominicans together—doubtless because the masters were attacking them both simultaneously.⁷⁴ But this identity is not a legal one, it was the result of the friars' adversaries lumping the two groups together and the friars' sense of common victimization. The Parisian secular masters saw the friars and their papal patron as creating a second illegitimate hierarchy. There already existed a clergy responsible for hearing confessions and preaching: the secular priests.

So, it was the mendicants' common possession of a papally granted legal privilege about pastoral care that first suggested to observers that they composed a particular class of religious. To end the pastoral care controversy, Pope Martin IV, in *Ad Fructus Uberes* (13 December 1281), formalized Alexander's grant, and confirmed the Dominican and Franciscan superiors' prerogative to grant faculties to preach and hear confessions without recourse to the local bishop. Again, this treated the two

⁷³ Kenneth Baxter Wolf, *The Poverty of Riches: St. Francis of Assisi Reconsidered* (Oxford, 2003), 103.

⁷⁴ Yves Congar, "Aspects," 45, identifies this linking of the two orders in Innocent IV, *Etsi Animarum* (12 November 1254) (Potthast 15562) and Alexander IV *Nec Insolitum* (22 December 1254) (Potthast 15602).

orders together and at least suggested that they shared a similar form of life. The decree differed from Alexander's in that the superiors of the two orders now received a jurisdictional right previously reserved to bishops. The decree was not well received at Paris, and the pope decided to reissue it a second time within a month. For the first time we find the Dominicans and Franciscans mutually sharing a special legal status. But the decree affected the two orders alone—no mention was made of any other supposed "mendicant" order.⁷⁵

The controversies over pastoral care in the post-1281 period centered on the friars (again only Dominican and Franciscan) privilege of hearing the obligatory Easter confessions, which *Omnis Utriusque Sexus* of Lateran IV restricted to "proprio sacerdoti," that is, to one's own parish priest. More than anything, such a right to hear Easter confessions would have constituted the friars a kind of alternate clergy. By this admittedly late date, we are justified in seeing active pastoral work as the marker of a new type of religious, and this pastoral work was without geographical boundaries, something not found previously except in missionary areas. This implied a novel ecclesiology: pastoral care was not merely something that could be entrusted to a priest by his bishop for a parish of that diocese, now the pope could give portable "personal" faculties, valid everywhere, to priests subject solely to him.

If we seek the first legal recognition of the Dominicans and Franciscans as possessed of a particular legal status within the Church, this was it. This development was a logical outgrowth of Francis of Assisi's special relationship with Pope Gregory IX. Francis' spiritual perception that he and his followers were the wards of a special father, the pope, his adopted children so to speak, now had a legal recognition.⁷⁶ This paternal favor—now cast in legal terms—saved the Franciscans from being "gyrovagues," false itinerant pseudo-clergy, as the Paris masters viewed them, and as the Waldensians had been branded nearly a hundred years before. It should

⁷⁵ *Ad Fructus Uberes* (Potthast 21827, 21837), Mansi 24: 368. See Yves Congar, "Aspects," 46–50, on these controversies; and, more generally, Hugolin Lippens, "Droit nouveau des mendiants en conflit avec le droit coutumier du clergé séculier du Concile de Vienne à celui de Trente," *Archivum Franciscanum Historicum* 47 (1954), 241–291; Boniface VIII, *Super Cathedram* (18 February 1300): Clem. 3.7.2; Extrav. Comm. 3.6.2, restricted the friars preaching faculty to their own churches and piazzas, and required them to seek episcopal permission to hear confessions. The Dominican pope Benedict XI restored the sweeping exemption from episcopal control in *Inter Cunctas* (17 February 1304): Extrav. Comm. 3.6.2.

⁷⁶ As observed by Yves Congar, "Aspects," 107.

not surprise us that the theological elaboration of the papal universal pastoral authority, here delegated to the mendicants, was very much a creation of the Franciscans, especially Bonaventure. This rethinking of the papal office would eventually bear fruit in a monarchical conception of the papacy where bishops themselves functioned by papal delegation. The Dominicans, however, were less adventuresome in this reflection, Thomas Aquinas taking a middle road and attempting to preserve some of the older local independence of the bishop as an autonomous shepherd of his flock.⁷⁷ The crafting of a special status of the mendicants orders, read that Franciscans and Dominicans, is a late-thirteenth-century development, much as it has roots in Francis' personal spirituality earlier in the century. Its elaboration, when it comes, is rooted in a need to justify their special pastoral role, not in their practice of poverty or begging.

What about the practice of begging as a marker for this new grouping of orders? Had it played a role in the process by which they were eventually treated as a group? The traditional focus on the Second Council of Lyons (1274) as the place where the mendicant orders were first treated as a specific canonical and legal genus of religious life marked by begging, does have something to commend it, at least at first glance. It would also be a good counter indication to our conclusions so far, if that reading were correct. Lyons II was, apparently, the first time a group of orders (including the Dominicans and Franciscans) were described as practicing "incerta mendicitas," and that this condition involved the need to beg. But it is not so clear that these groups are understood to practice begging because they are "mendicant orders" (a phrase the Council does not use) or that, since they practiced begging, the Council wanted to legislate about them as a group. That is to say, whether the legal or conceptual category of "mendicancy" existed in 1274 is not so clear. Before we can evaluate what Lyons II did or did not do for the "mendicants," we need to review how poverty and begging were treated in canon law and practice at that date.

In the canon law in force at the beginning of the thirteenth century, there was no concept of absolute poverty (corporate as well as individual non-ownership). Religious poverty at that time meant individual non-ownership only. "Poverty" was highly praised; monks were God's poor, even though they might be quite wealthy corporately.⁷⁸ Indeed, the clergy

⁷⁷ Those who want more on this theological development may see Yves Congar, "Aspects," esp. 82, 99.

⁷⁸ C. 12 q. 1 cc. 5, 7; C. 12 q. 2 c. 71.

and bishops were expected to have sufficient resources so that they themselves could provide for the truly poor among their flock.⁷⁹

The law did know something of begging, which in Latin was rendered two ways, by the verb “mendicare” and the noun “stipem” used with various verbs such as “petere” and “cogere.”⁸⁰ *Petere stipem* referred to the practice of monks or nuns requesting alms in a more or less formal manner from their benefactors, it did not mean “to beg door to door.” *Mendicare* did have this meaning, and it was *not* seen as a religious activity, but rather one undertaken by the destitute out of necessity. The one use of “mendicare” in Gratian’s *Decretum* where the beggar was a cleric describes such activity as degrading, not religiously honorable.⁸¹ Similar characterizations of poverty as degrading to clerics, who should have resources to help the indigent, abound in the letters of Innocent III.⁸² To religious authorities of the turn of the thirteenth century, that a priest, or other cleric involved in pastoral work, should have to go about begging for his subsistence was not admirable in any way.

That does not mean that clerics did not seek alms. In 1215, The Fourth Lateran Council, c. 62, regulated *questua*, the activity of soliciting alms for religious purposes or institutions. This usually took the form of collections at public sermons. Perhaps the most famous example was papally authorized preaching to raise money for Crusades. The Council was principally concerned about abuse of relics and fraudulent solicitation. They required that all alms-collectors have papal letters authorizing their activities and that bishops check these.⁸³ The same council, in c. 13, also legislated on new religious movements, forbidding new groups and ordering would-be founders to enter older orders. This legislation would later play a growing role as new orders living by begging multiplied and began to tax the generosity of the faithful. It was in this context that Church authorities first become concerned about *mendicatio*, door-to-door begging.

⁷⁹ D. 42 c. 2; C. 10 q. 2 c. 1; C. 12 q. 2 cc. 13, 19, 24, 26–28, 30, 31; C. 23 q. 7 c. 3; as to bishops specifically: D. 82 cc. 1–2; D. 86 c. 6; D. 87 c. 4.

⁸⁰ On canonical terminology for begging, see Louis George Meyer, *Alms-Gathering*, 3–4.

⁸¹ D. 93 c. 23; the other passage tells bishops to be liberal in helping indigents who “beg” from them: C. 12 q. 1 c. 10.

⁸² E.g., Innocent III, *Register*, e.g. Ep. 106 and Ep. 119, PL 216: 300, 631–632. In fact, Innocent was skeptical of religious begging and legislated against its abuses: X 5.33.11, *Glossa Ordinaria* ad v. signatos, on which see Louis George Meyer, *Alms-Gathering*, 37.

⁸³ This legislation would pass into the general law of the Church as X 5.38.14; Louis George Meyer, *Alms-Gathering*, 38.

Begging door to door (*ostiatim*) for necessities like food and clothing by the Franciscans and Dominicans arose without any special privilege, and it did not have any special legal status. It was simply a way to procure daily needs. It was more like the *mendicatio* of paupers than the *questua* of religious fund collectors. As the two orders expanded, competition for donors became more intense and conflicts ensued. There is no evidence that this practice attracted much attention before the 1260s, when Pope Clement IV, in *Consequendam Gloriam* (20 November 1264), regulated how close houses of religious orders “founded in poverty” could be located.⁸⁴ Strict poverty is the identifier, not begging, as he mentions in his litany of “poor” orders, not only the Franciscans, Dominicans, Saccati, Carmelites, and Augustinians, but also the Poor Clares, who did not beg door to door—on the list because they were dependent on alms. Why is there no mention of the Apostolici of Gerard Signorelli or the smaller friar groups like the Pied and Crutched Friars? Probably because they were not numerous enough to create problems of alms-competition.

This kind of competition for alms lies behind Lyons II, c. 23, which is often read as treating “mendicant orders” as a group. And it is the first time, as far as I can tell, in which the label appears, albeit somewhat elliptically, in an official legal document:

The general council by a considered prohibition averted the excessive diversity of religious orders, lest it might lead to confusion. Afterwards, however, not only has the troublesome desire of petitioners extorted their multiplication, but also the presumptuous rashness of some has produced an almost unlimited crowd of diverse orders, especially mendicant, which have not yet merited the beginnings of approval.⁸⁵

But what we have here is no formal canonical category. Here “mendicant order” simply means “a would-be order whose members beg”—the groups treated are not officially authorized or approved. This pernicious multiplication of religious beggars, we understand, motivates the Council’s reaffirmation of Lateran IV, c. 13.

⁸⁴ (Potthast 19455). See also: William Hinnebusch, *History*, 161, and Frances Andrews, *Other Friars*, 188.

⁸⁵ “Concilium Lugdunense II, 1274, c. 23,” *Conciliorum Aecumenicorum Decreta*, ed. Giuseppe Alberigo et al., 3. Ed. (Bologna, 1973), 326–327. On which, see: K. Elm, “Ausbreitung und Ende der provinçalishen Sackbrüder (Fratres de Poenitentia Jesu Christi) in Deutschland und den Niederlanden: Ein Beitrag zur curialen und konziliaren Ordenspolitik des 13. Jahrhunderts,” *Francia: Forschungen zur westeuropäischen Geschichte*, 1 (1973), 258–259; Frances Andrews, *Other Friars*, 208; Louis George Meyer, *Alms-Gathering*, 65.

The Council goes on to discuss approved orders that practice begging:

As to those orders, however, confirmed by the apostolic see and instituted after the council, whose profession, rule or constitutions forbid them to have revenues or possessions for their fitting support but whose insecure mendicancy (*incerta mendicitas*) usually provides a living through public begging, we decree that they may survive on the following terms. The professed members of these orders may continue in them if they are willing not to admit henceforth anyone to profession, nor to acquire a new house or land, nor to have power to alienate the houses or land they have, without special leave of the apostolic see.⁸⁶

Far from being a description of a legal category of “mendicant orders,” this is a slam against a certain type of behavior.⁸⁷ The give-away is in the use of the phrase *incerta mendicitas*, a legal term lifted from Justinian (Code 11.26.1), where it identifies the problematic status of “sturdy beggars,” that is fake poor, who are not entitled to public support or charity. In the eyes of the Council, it is hard to see why religious who could be supported by their own resources, but have given them up, should be allowed to compete with the genuinely poor, be they lay or religious. In short, “mendicants orders” here are a condemned group, not a privileged legal category.

So, although they probably could also be accused of being “sturdy beggars,” the Council next makes it clear that it does not intend to condemn four large orders that happen to beg, here listed together for the first time:

Of course we do not allow the present constitution to apply to the orders of Preachers and Minors; their approval bears witness to their evident advantage to the universal church. Furthermore, we grant that the institution of the order of Carmelites and that of the Hermits of Saint Augustine preceded the said general council.⁸⁸

⁸⁶ “Concilium Lugdunense II, 1274, c. 23,” *Conciliorum Aecumenicorum Decreta*, pp. 326.

⁸⁷ This explains part of the perplexity about the Apostolici, mentioned in passing by Frances Andrews, *Other Friars*, 209, as proved to be a mendicant order because they were included in the list of orders suppressed 1274 in the Chronicle of St. Catherine de Monte in Rouen. They are on the list for behavior, not because they fit in a particular legal category of order.

⁸⁸ “Concilium Lugdunense II, 1274, c. 23,” *Conciliorum Aecumenicorum Decreta*, pp. 327.

Here in 1274, for the first time, there is something like a category of “mendicant order,” but it is a very odd one.⁸⁹ It is a category that consists of four disparate groups (all of whom happen to beg), who are snatched out of the damned lump of begging religious because they are either useful to the Church or because they supposedly predate Lateran IV.

Now let us see if this Lyons II’s ad hoc grouping reflects some already extant legal category of “mendicant order” to which the Augustinians and Carmelites belonged. In popular wisdom, the idea that the concept of a mendicant order was born with Francis, or at least had crystallized by his death, is usually linked to claims that this or that religious order “became a mendicant order” at such and such a date. We understand that the Augustinians, Carmelites, Servites, Saccati, Pied, and Crutched friars were each “approved as mendicants.” The Second Council of Lyons is the usual date for the “mendicantization” of the Augustinians, themselves created by a merger of a number of lay penitent groups in 1256. Other groups, Carmelites most importantly, supposedly joined the original three mendicant orders in the later 1200s.⁹⁰

In 1252 Pope Innocent IV, in *Ex Parte Dilectorum*, first called the Carmelites an “ordo”; he does not use “mendicant” to describe them, nor does he group them with the Franciscans and Dominicans. It is clear, however, that he was restructuring the Carmelites using the Dominican model, but this was only for their institutions and governance, not their form of poverty, their active ministry, nor practice of begging. What of the Augustinians? Frances Andrews, the English-speaking authority on the “other orders,” notes that, when Boniface VIII in *Super Cathedrem* (18 February 1300) revoked the “mendicant” privilege of hearing confessions and preaching without episcopal permission, this affected only the Franciscans and Dominicans, and, like the original decree, it treated them as two distinct orders, not as part of some class. This particular “mendicant” privilege was not possessed by the other supposed “mendicants,” not the Carmelites, not the Augustinians. The Augustinians were first grouped with the two older orders as class in papal legislation by Boniface VIII

⁸⁹ Here Franco Andrea Dal Pino, *I Frati Servi di S. Maria* (Louvain, 1972), 2: 1076–1081, is correct in his assertion that the Servites were not suppressed because they did not beg and so were not technically “mendicants.” Rather, this legislation is indeed solely about practice because the category of “mendicant order” does not yet exist.

⁹⁰ See, e.g., James Powell, “Mendicants,” 558, on these other groups becoming mendicants in the late 1200s; Louis George Meyer, *Alms-Gathering*, 36, considers Lyons II as adding the Augustinians to the Dominicans and Franciscans as “mendicant orders.” So also Hugolin Lippens, “Droit nouveau,” 245–246.

in *Inter Sollicitudines* (8 January 1303), but he used the term “mendicant” for none of them. Not for a quarter century after Boniface spoke of the Augustinians in tandem with the older orders, did John XXII speak of the Carmelites as grouped with the Dominicans and Franciscans, in *Inter Ceteros Ordines* (21 November 1326).⁹¹ And this document is itself ambiguous. It hard to tell if we are dealing with these groups as a category of religious order, or if Boniface is merely listing of various orders who happen to practice begging and some form of stricter than usual poverty. So “mendicant order” as a legal category does not seem to exist until well into the fourteenth century, if even then. So much for the legal concept of a “mendicant order” in the 1200s.

Nevertheless, at least in popular thinking, the term *ordo mendicans* does have explicit witness in the 1200s, but only during the decade after Lyons II. When Salimbene da Adam was composing his chronicle, soon after 1282, he seems to use the word “mendicant” in the way modern historians have come to understand it:

We and the Dominicans taught all men how to beg, so that at the slightest whim a man will put on a capuce and write a mendicant rule (*regulam mendicantem*). They are suddenly greatly multiplied.⁹²

And later, he uses the same terminology, now applied to orders, when speaking of Gregory X and the Second Council of Lyons:

But Pope Gregory X, who was at Piacenza, in full council at Lyons, cut off, destroyed and extirpated this congregation and religious group [the Order of the Apostolici] that they had started, as well as the Order of the Sack, because he did not want there to be so many mendicant orders (*ordines mendicantes*), lest the Christian people be overburdened by them.⁹³

⁹¹ Frances Andrews, *Other Friars*, 49; perceptively and with good reason, Hugolin Lippens, “Droit nouveau,” 244, n. 2, wrote: “Au sens strict et juridique le qualificatif d’Ordre mendiant ne s’applique aux Ermites de s. Augustin qu’à partir de la bulle *Inter sollicitudines* du 8.i.1303 et aux Carmes à partir du 21.xi.1326.” Andrew Jotischky, in his otherwise very useful *Carmelites and Antiquity: Mendicants and their Past in the Middle Ages* (Oxford, 2002), 24, sees *Quae Honorem Conditoris* (1 October 1247) as “making the Carmelites mendicants.” This papal approbation does nothing of the kind: it never uses the word “mendicant,” nor does it mention special rules on poverty or begging. For an example of the traditional reading of *Quae Honorem* as making the Carmelites “mendicants,” and for Boniface’s legislation in VI 3.17.1 as changing the “order of precedence” among the “mendicant orders,” see David Gutierrez, *The Augustinians in the Middle Ages, 1256–1356* (Villanova PA, 1984), 51–52. A careful reading of the document issued by Boniface VIII reveals that he is simply legislating for the two orders: he never calls them “mendicants” or “ranks” them.

⁹² Salimbene da Adam, *Cronaca*, p. 366, English trans., 248.

⁹³ Salimbene da Adam, *Cronica*, 387, English trans., 263.

For Salimbene da Adam, “mendicant order” seems a particular species of religious order, but it is hardly clear that this is, even for him, a legal category. Rather, he is grouping together orders that happen to live by begging and that have come into existence without any legal status at all. “Anyone can write a mendicant rule.” The proliferation of such new religious groups motivated the decision of Pope Gregory X and the Council to suppress them.⁹⁴ The so-called approbation of mendicant orders at Lyons was nothing of the sort: rather the council was trying to extirpate religious groups that lived by begging. The “mendicant orders” that survived the suppression were not approved as mendicants, they were grand-fathered in, *in spite of* their practice of begging.

This legal reality was clear to Salimbene, the first writer I know to use the term “mendicant order”: the Preachers and the Minorites were the originals in the art of begging, all others were poor imitations. If we seek the earliest example in the middle ages of the modern way of thinking about mendicant orders as a group, here it is in the 1280s, even if begging is still more a peculiar practice than a legal right. The two older orders have become the gold standard to which other orders, who occasionally beg, are progressively assimilated. But it was for their apostolic activities that popes after 1279 grouped “mendicants” as a subject of legislation, not because they were beggars.⁹⁵

Dominicans and Franciscans had been first associated in papal legislation in grants of special pastoral privileges concerning hearing confessions. Now, for Salimbene, however, begging had become the special marker. Why this popular conceptual change, at least outside of canon law? It is perhaps not surprising that the identification of begging as the trademark of a particular type of poor religious happened at precisely the same time that the poverty controversies, whose development has been so carefully charted by David Burr, were heating up in the Franciscan Order. A style of life (corporate poverty that required begging) was in the process of becoming a badge of “authenticity” for its Franciscan practitioners, something that it had never been for St. Francis himself, even if turning it into a legal category was something resisted by many of its later great advocates such as John Peter Olivi and Umberto da Casale.⁹⁶

⁹⁴ Salimbene da Adam, *Cronaca*, 387, 713: “Ordines mendicantis,” English trans., 263, 499.

⁹⁵ Pace Félix Vernet, *Ordres mendiants*, 26.

⁹⁶ Although David Burr, *Spiritual Franciscans*, also notes that some theorists, usually spirituals, resisted the move codify legally what was originally a way of life: e.g., John Peter Olivi (*ibid.*, 53) and Umberto da Casale (*ibid.*, 271).

Thus, we may conclude that, at least as religious concepts, “mendicancy” and “mendicant order” first appeared in the 1280s. Canonical legislation that would enshrine such a category in law would come only much later.

CHAPTER TWO

FROM OSMA TO BOLOGNA, FROM CANONS TO FRIARS, FROM THE PREACHING TO THE PREACHERS: THE DOMINICAN PATH TOWARDS MENDICANCY

ANTHONY JOHN LAPPIN

This article proposes to examine how a practice of mendicancy developed within the circles that would eventually form the Dominican order, and particularly its importance to the founder, Dominic of Caleruega. It will thus consider the different configurations that mendicancy took in the *Predicatio* against heretics in the Midi, and in the process of transformation of that *Predicatio* into the *Ordo predicatorum*. From this retelling of history (or at least, a view of history), I will argue that mendicancy itself was subject to the same social pressures as all other ideals, evolving over time, not meaning the same to individuals at the same time, or between different times. I will conclude by suggesting that to focus upon mendicancy in itself is perhaps to be asking the wrong question when looking at the early thirteenth century—it is, in fact, a distortion caused by later developments, one more example of several *ex post facto* reinterpretations of what was going on at the time that we shall see in the course of our stroll through the pleasant lands of Provence and elsewhere within Europe. Since hagiography is essentially recollection embellished by (at best) piety, I shall attempt to give most attention to contemporary documents where possible, rather than the tales told by the order about, and to, itself.

The twin concepts of mendicancy and preaching—characteristic of the Dominican order—are traditionally traced to the activities of the *Predicatio* in Provence, the papally-authorized preaching against those heretics who (to anyone with a smidgeon of orthodoxy) infested the area. Particularly in early Dominican historiography, the bringing together of these two concepts is identified with the decisive influence of a bishop from the Castilian diocese of Osma, Diego, and so it will be with him, rather than with the founder of the Order, that this essay begins. It was his presence of mind that recognized that the horse-and-mule-borne mission of the papal legates, heavy in baggage and in their insistence on being honoured, was useless in confrontation with the heretics of the

Midi; and it was his decisive influence that converted their task into the *Predicatio*, consisting of a body of barefoot, itinerant preachers practising their disputations in poverty.

Diego had already been on two wholly unsuccessful missions in the year that he reached the Midi. He had been sent to Denmark to complete the negotiations for the marriage of the male heir to the Castilian-Leonese crown, but the intended princess had died before anything could come of it. The bishop had returned, however, not directly to Castile, but to Rome, where he failed to persuade Innocent III of the urgent necessity that he should be allowed to relinquish his diocese in order to join a missionary expedition that sought the conversion of the northern pagans. He was sent back to his bishopric.¹ The early thirteenth century was not a time to be deserting Christendom's southern flank.

Yet Diego's return to Osma was not by a direct route, any more than his return from Denmark had been. Presumably out of concern for the business of his diocese, he travelled up to Cîteaux, where he received the habit, obtained some manuscripts, and entreated that order's abbot to provide him with manpower for his own Cistercian foundation of Espiritu Santo in Soria, which he had begun before 1203.² It was also likely at Cîteaux that he encouraged the Cistercians leading the *Predicatio* to adopt his unorthodox methods.

Despite a historiography that sometimes presents Diego's discovery of heresy as a surprise, this cannot be the case. He would have been fully aware both of the debates held, and consequent legal strictures promulgated against, primarily, the Waldensians, but also the Cathars in neighbouring Aragón.³ There, classification of beliefs as heretical was impor-

¹ See Pierre des Vaux de Cernai, *Historia Albigensium*, § 3, in *Patrologia cursus completus series Latina*, ed. Jacques-Paul Migne, 217 vols (Paris, 1844–1855) [henceforth *PL*], vol. 213, coll. 543–711, at 549A; translation in Simon Tugwell, *Early Dominicans: Selected Writings* (New York, 1982), pp. 86–87. Further, Jordan of Saxony, *Libellus de principiis ordinis praedicatorum*, § 14–17, ed. M.H. Laurent, *Monumenta historica sancti patris nostri Dominici*, vol. 2 (*Monumenta Ordinis Fratrum Praedicatorum Historica*), 16 (Rome, 1935), pp. 25–88, at pp. 33–35.

² On this trip, see Patrick Henriët, “Dominique avant Saint Dominique ou le contexte castillan”, in *Mémoire dominicaine*, 21: *Dominique, avant les Dominicains* (Paris, 2007), pp. 13–31, at pp. 27–28; S. Tugwell, “Notes on the Life of St. Dominic”, *Archivum Fratrum Praedicatorum*, 65 (1995), 5–169; 66 (1996), 5–200; 67 (1997), 27–59; 68 (1998), 5–116; 73 (2003), 1–141, at (1998), p. 60; and Jordan, *Libellus*, § 18, p. 35.

³ See, most recently, Damian J. Smith, *Innocent III and the Crown of Aragon: the Limits of Papal Authority*, (Church, faith, and culture in the Medieval West) (Aldershot, 2004), pp. 33–34. Concern about heresy in León to the east was also raised with the pope in 1199: Henriët, “Dominique”, p. 29. Jordan, *Libellus*, § 14–15, p. 33, has Diego and Dominic

tant: the kings were devoted to the Holy See; definition would inevitably lead to repression, as in most of Europe, where rulers could generally be relied upon to support ecclesiastical orthodoxy against dissident beliefs. In the Midi, the situation was different, and accusations or definitions of heresy had little or no traction in the battle for hearts and minds. There, the language of confrontation and threat could rarely be deployed with success, and then usually only against ecclesiastics. Other means were necessary—until the count of Toulouse's servants, by killing a papal legate, helpfully pushed the king of France to accede to the pope's long-standing request for military intervention, and the subsequent fighting of the Albigensian crusade dragged on for the best part of twenty years.⁴

Diego, then, walked into an impasse. The necessity of preaching by example was not simply a rhetorical topos or exegetical observation. There are two accounts about how he came to his inspirational example of itinerant preaching; unfortunately, they are not quite complementary. The one preserved by the Cistercians has Diego advising the despondent Cistercian legates on how to go about their business, checked as they were by the heretics' trump card in debate: the incorrigible behaviour of the Provençal clergy. Faced with the legates' reluctance to adopt his admittedly drastic tactics, Diego began to preach, sending his horses and men back to Osma, and retaining only one companion, with whom he travelled preaching and begging from door to door.⁵

The other version is rather more brutal, and it comes from Stephen of Bourbon; it is also the one more likely to be correct.⁶ According to

coming across the heretics in Toulouse on a first visit to Denmark to negotiate for the princess's hand; in this he was followed by Petrus Ferrandi, *Legenda Sancti Dominici*, § 11, ed. M.H. Laurent, *Monumenta historica sancti patris nostri Dominici*, vol. 2 (*Monumenta Ordinis Fratrum Praedicatorum Historica*), 16 (Rome, 1935), pp. 209–260, at p. 216.

⁴ Pèire de Castelnòu, appointed papal legate in 1199 and killed in January 1208. Peace was not firmly established until April 1229. Innocent had requested military assistance 'for the defence of the Church' as early as the summer of 1205 (*Registrum Innocentii III*, in *PL* 214, 1–1186; 215, 9–1612; 216, 9–991, at 215, 361D).

⁵ Pierre de Vaux-Cernai, *Historia Albigensium*, § 3, ed. Michel-Jean-Joseph Brial, *Rerum Gallicarum et Francicarum Scriptores*, XIX (Paris, 1880), pp. 1–113, at p. 7B–C (*PL* 213, 495B). See also Tugwell, *Early Dominicans*, pp. 12–13. For Jordan, *Libellus*, § 20, p. 36, the legates merely asked Diego's advice when he happened to come to Montpellier during a *concilium*, a version repeated by Petrus Ferrandi, *Legenda*, § 13, p. 218, and subsequently by Constantine of Orvieto, *Legenda Sancti Dominici*, § 14, ed. Laurent (as at n. 3), pp. 286–352, at p. 294, and Humbert of Romans, *Legenda Sancti Dominici*, § 13–14, ed. Laurent, pp. 369–523, at pp. 378–379.

⁶ Tugwell, "Notes" (1998), p. 42, and subsequently "Notes" (2003), p. 98. Stephen, a Dominican, died in the early 1260s.

this recounting of events, Diego was bested in debate by the heretics. Flatly rejecting his claims to scriptural or apostolic authority through his membership in the Church, they pointed out that they were the ones who went around preaching in poverty like the apostles, whereas he was weighed down by his pomp, his riches, his horses and his mules.⁷ This evidently occurred before Diego's involvement in any of the legates' set piece debates, since there would have been nothing to prevent informal debate, along the lines of Dominic's famous conversion of an innkeeper during a night-long argument.⁸ Perhaps the most notable aspect of Diego's behaviour was that, despite his evident fervour, he was actually prepared to listen to what his opponents had to say, even if it had been rather forced upon him.

Poor, itinerant preachers were nothing new. Although that particular niche had by then been filled by followers of Waldo and by Albigensian *boni homines*, fully orthodox Catholic preachers from the previous century were honoured with cults and the example of two in particular—Stephen of Muret and Norbert of Xanten—would be especially important in the development of Dominic's mendicancy, as we will see later. Yet these twelfth-century figures were all, essentially, hermits, whose successful preaching in favour of what one might loosely call the themes of the Gregorian reform subsequently forced them into institution-building and the creation of monasteries.⁹

The right to beg when preaching was granted by the pope himself to another hermit-turned-abbot, Bernard of Tiron, when he was in Rome. Yet, the first to offer this mendicant hospitality was the pope himself, who fed him from the papal *mensa* in order to hear him preach, an honour which was not lost on Bernard's hagiographer. This instance was therefore such a special case, that it can hardly be considered to have set a historical precedence for mendicant behaviour.¹⁰ Moreover, Bernard's hagiographer was writing from a monastery, not on the road. Norbert of

⁷ A. Lecoy de la Marche, *Anecdotes historiques, légendes et apologues. Tirés du recueil inédit d'Étienne de Bourbon, dominicain du XIII^e SIÈCLE*, (Société de l'Histoire de France) 185 (Paris, 1877), p. 83; trans. Tugwell, *Early Dominicans*, p. 89.

⁸ First reported in Jordan, *Libellus*, § 15, p. 33, and thence Petrus Ferrandi, *Legenda*, § 11, pp. 216–217; Constantine, § 12, p. 293; and Humbert, § 11, p. 377.

⁹ See above, at pp. 7–13.

¹⁰ Gauffridus Grossua, *Vita Beati Bernardi Fundatoris Congregationis in Gallia*, in *PL* 172, 1363–1446, at coll. 1402C–1403A; Rosalind B. Brooke, *The Coming of the Friars*, (Historical Problems—Studies and Documents) 24 (London: Allen & Unwin, 1975), p. 53.

Xanten's followers, rather than become wandering preachers, were forced into canonries;¹¹ and Norbert, in the eyes of some, sold out to become archbishop of Magdeburg.¹²

So poor men preaching, dutifully sanctioned by the ecclesiastical hierarchy, neither constituted a novelty nor lacked a reputation for sanctity, and, at least according to Cernai, Diego encouraged the legates to follow 'the example of pious teachers'—presumably these same hermits.¹³ What was new was that a bishop should take such a step. One of the fundamental functions of the bishop was, it is true, preaching within his diocese. But bishops, as princes of the Church, should never be reduced to the equivalent of vagrancy. That level of poverty constituted an intolerable humiliation: in Innocent III's letters, there is never a mention of mendicancy which is positive; it is generally referred to as something which was to be avoided at all costs or as a thing shameful and bringing opprobrium on the clergy.¹⁴ It was one thing to move as Norbert did, from the lower to the higher; another Diego's course of action.

The bishop of Osma's suggestion, in this context, was highly surprising; less surprising, though, was the Cistercians' reluctance to take it up—after all, they were all abbots, and as such could not be expected to bring themselves low to such an extent. It went against the grain of their own order: the Cistercian General Chapter the following year would order the abandonment of a Swiss monastery if it could not maintain itself without recourse to begging for alms.¹⁵ The legates' exclamation that they would adopt the course of preaching in poverty only if someone of sufficient dignity were to do so first was perhaps more of a game of chicken with Diego than is sometimes hagiographically imagined. The legates were in effect saying, 'We dare you'; and Diego stooped to take up the gauntlet.

It is possible that traditions from his own see had some influence upon him. Osma had been wrested from Muslim hands roughly a century and a half previously, and there were probably still stories in circulation regarding the indignities suffered by the first bishop on taking over

¹¹ Brooke, *The Coming*, p. 58.

¹² See Patrick Henriot, *La Parole et la prière au Moyen Âge: le verbe efficace dans l'hagiographie monastique des XI^e et XII^e siècles* (Brussels, 2000), pp. 261–262.

¹³ Cernai, § 3, col. 7C.

¹⁴ For example, the description of the insufferable position of the deposed archbishop of York, 'he was for long afflicted by exile and forced—an insult to all the clergy—to beg' (*Registrum*, PL 214, 596A; see also 732C, 773B, 908C; and, from the end of his pontificate, *Registrum*, PL 216, 300C, 592A).

¹⁵ Tugwell, *Early Dominicans*, p. 12.

the slowly repopulating diocese and his struggle to set it on a decent financial footing. Such at least is the picture presented in the *Vita Petri Oxomensis* which, although written more than fifty years after Diego's death, probably contains earlier stories about the French Cluniac sent from Toledo to restore the see. Local hagiography, too, made much of the eleventh-century Dominic of Silos's embracing of poverty and his hard manual labour in order to restore a Rioja daughter-house that had been despoiled by the local nobility, and then abandoned by the monastery of San Millán.¹⁶

Perhaps the memory of those examples made it easier to contemplate the humiliation involved. Perhaps Diego's exposure to missionary preachers in Scandinavia had hardened him. Perhaps the example of the heretics was enough. Perhaps he just needed to win the argument. The fact remains that he adopted the guise of the itinerant preacher, begging food and living in poverty, without his retinue and, at least according to Cernai, with only one companion.¹⁷ The choice of companion, though, was rather strange: it fell on his subprior. One would have expected the bishop to send back this subprior to Osma to assist in the running of the diocese whilst the bishop was away. Yet Diego had other plans. The subprior, or 'Frater Dominicus' as he began to call himself,¹⁸ would represent him in the Midi, allowing him to build up a number of preachers to progress in the mission, whilst Diego headed back and forth to his own see.¹⁹

Yet, although the *Predicatio* had adopted a form of mendicant preaching, it was really only a form—a tactical feint, or pretext, if you will. Diego's solution proposed short bursts of mendicancy, a period out on the road preaching. The funds for the venture were provided from his

¹⁶ Anthony Lappin, *The Medieval Cult of Saint Dominic of Silos*, (MHRA Texts and Dissertations) 56 (Leeds, 2002), pp. 34–36. For the *Vita Petri Oxomensis*, see my forthcoming edition; a partial edition is found in Franciscus Plaine, 'Vita Sancti Petri Oxomensis, episcopi in Hispania, a anonymo suppari conscripta', *Analecta Bollandiana*, 4 (1885), 11–29.

¹⁷ Cernai, *Historia Albigensium*, § 3, p. 7C (PL 213, 549C). Jordan differs from Cernai in listing Dominic as only one of the 'few clerics retained in his company' (§ 20, p. 37), repeated in Petrus Ferrandi, § 14, p. 219; Constantine, § 14, p. 295; and Humbert, § 15, p. 380. Étienne de Salanhac, *De quatuor in quibus deus predicatorum ordinem insignivit*, § 3.7.12, ed. T. Kaepelli, (Monumenta Ordinis Praedicatorum Historica) 22 (Rome, 1949), p. 156, identifies Guillelmus Clareti as forming part of the 'house and family' of Diego whilst he was in Toulouse.

¹⁸ Petrus Ferrandi, § 14, p. 219.

¹⁹ See Tugwell, *Early Dominicans*, n. 63 at p. 42.

own money;²⁰ his foundation of Prouilhe, staffed with nuns, was meant as a base for the preachers themselves. This house's foundation may not have been opulent, and certainly it was not envisaged that it could be, of itself, mendicant. The reason for the foundation is given by Jordan: it would harbour Catholic girls whose families' indigence had led them to be brought up amongst the heretics.²¹ Prouilhe was therefore founded in aid of orthodox Catholic women, looking to escape from domestic service in heretical families. Bluntly, these women could not be expected to bring any dowries of their own to a nunnery, thereby ruling out their joining the majority of other foundations as an option for the religious life. Converted Cathar women were undoubtedly also enclosed there, but they cannot have formed even a sizeable minority in its early stages.²² The house, however, could provide a base of operations for preaching tours throughout the Midi.

Diego's half-way house of episcopally-funded semi-mendicant preaching may well have been enough, however, for the purposes of the *Pre-dicatio*. Although much has been made of the Cathars' abject poverty (at least when it came to the perfecti), the fact that they had bishops and what seems to have been a rough-and-ready ecclesial organization would suggest that their 'poverty' was not as deep as it has been traditionally construed, and that their big men rarely, if ever, travelled feeling the necessity to beg for either food or houseroom.²³ Albigenian loyalties were, in any

²⁰ Tugwell, "Notes" (1998), p. 49.

²¹ Jordan, § 27, p. 39; see Simon Tugwell, "For Whom was Prouille Founded?", *Analecta Fratrum Praedicatorum* 74 (2004), 5–125, at p. 6, and "Notes" (2003), p. 75; although it is not necessary, on Jordan's description, to accept that it was founded for 'women who were in effect forced into heresy by the poverty of their families' (p. 65), just those who were too poor to move out of heretical households.

²² The formerly heretical women to whom Dominic showed the devil that had possessed them 'in the form of a cat, whose eyes were as almost as large as an ox's, and indeed as if they were a blaze of fire, and its tongue came out almost half a foot like a flame and its tale was almost half a arm's length, and almost as big as a dog', may well have ended up in Prouilhe (Toulouse *Acta canonizationis*, § 23, p. 186), and may explain Petrus Ferrandi's addition to Jordan's account of the house's foundation, that the women were 'indeed duped by pestiferous errors' (§ 16, p. 220).

²³ For Cathar ecclesial organization, see Malcolm D. Lambert, *Medieval Heresy: Popular Movements from the Gregorian Reform to the Reformation*, 3rd ed. (Oxford, 2002), p. 67. Mark Gregory Pegg, most recently in *A Most Holy War: the Albigenian Crusade and the Battle for Christendom* (Oxford, 2007), has argued consistently that the notion of an Albigenian "Church" is a pernicious invention of orthodox Catholic theologians, tied to repeating ancient invective against long-disappeared opponents. There is no room for a full consideration of this criticism of our sources, but the *sed contra* to this proposition is surely: "And what about the Waldensians?" The latter, of course, receive short

case, more of a familial inheritance at this point,²⁴ and it was amongst their respective faithful that both sets of preachers would have been made welcome.²⁵ It was possibly only the Waldensians that were truly—that is, consistently—mendicant in their preaching.

Fortunately for the continuation of our story, Diego's example of word and deed spurred on someone else in the Midi to adopt, or rather adapt, a life of mendicant preaching as an ideal. It was not, however, Diego's sub-prior, Dominic. Not immediately. A group of Waldensians, led by the talented, learned and combative Durandus of Osca, abandoned their heresy, cleaved to the Church and carried on with what they had previously been doing—but fighting on just one front now, solely against the Cathars.²⁶ No doubt Diego's example convinced them that their love of poverty was approved of by the hierarchy: the Spanish bishop's arguments managed to put the case in a way the Cistercians had failed to. Nevertheless, we should not forget that Innocent III's own high-level campaign against the corrupt bishops of the Midi was simultaneously cutting the legs from under the argument that the papacy was corrupt and therefore the Waldensians were the 'true' Church. Institutional reform—in which things were being both done about abuses and also seen to be done—was probably more important than the set piece debates in which theological positions were outlined.²⁷

shrift from Pegg, but the existence of another heretical grouping active in the same area (preaching *against* the Albigensians *and* the Catholics, and, crucially, not on the receiving end of the same supposedly vicious stereotyping as was handed out to the Albigensians), would argue for at least the assumption that Catholic theologians and inquisitors were not engaged in a self-absorbed re-run of Augustine's disaffection with Mani, but were responding, however imperfectly and no doubt with a certain antiquarian interest, to the situation "on the ground".

²⁴ See W.L. Wakefield, "Heretics and Inquisitors: the Case of Le Mas-Saintes-Puelles", *The Catholic Historical Review*, 69 (1983), 209–226.

²⁵ See, for example, the precise details given regarding Dominic's diet by 'Guilelma, uxor Helie Martini' in the Toulouse *Acta canonizationis Sancti Dominici*, § 15, ed. Laurent (as at n. 3), pp. 176–187, at p. 181.

²⁶ On Durandus, see Richard Rouse and Mary Rouse, "The Schools and the Waldensians: a New Work by Durand of Huesca", in *Christendom and its Discontents*, ed. S.L. Waugh and P.D. Diehl (Cambridge, 1996), pp. 86–111; Brooke, *The Coming*, pp. 84–85; Christine Thouzellier, *Une Somme anti-Cathare. Le 'Liber contra manicheos' de Durand de Huesca*, (Spicilegium sacrum Lovaniense) 32 (Louvain, 1964).

²⁷ See, for action against unsuitable clerics, Smith, *Innocent III*, pp. 37–39, 76; B. Bolton, "Tradition and Temerity: Papal Attitudes to Deviants, 1159–1216", *Studies in Church History*, 9 (1972), 79–91; *Registrum*, PL 214, 374A–C (ordering the resignation of the bishop of Fréjus), 457D–458D (accepting the resignation Bishop Otto of Carcassonne on the grounds of incapability due to age); 215, 272A–273A (confirmation of the legates'

Durandus gained approval from Innocent for the way of life he and his followers sought to lead. They were mostly clerics. Their motivations, however, give a good sense of where, early in the thirteenth century, the drive for forms of organized mendicancy might come from. Their concern was to live for the day, following the injunction of the Lord, and preach in the manner of the Apostles, without possessions.²⁸ It was the same ideal which had animated Valdo, and, in his insistence upon the dual necessity of preaching and begging, pushed him and those who gathered round him into, first, conflict with the established Church and, then, eventually, heresy. One rather wishes that Lotario de' Segni had been given the task of interrogating them at a meeting in Rome under Alexander III, instead of the supercilious and perfunctory English courtier, Walter Map, who played them for laughs, rather than examined them in charity.²⁹

Durandus's group shed the soubriquet of 'Poor Men of Lyons' and, becoming the 'Poor Catholics,' had reasonable success in Catalunya, Southern France and Northern Italy. Enough to draw a sufficient number of their Waldensian brethren back into orthodoxy and for the local bishops to complain directly to Innocent about them for consorting with heretics—only to be told, eventually, by Innocent, to make sure that all those frequenting the Poor Catholics' churches were reconciled according to Durandus's own *credo*.³⁰ The Poor Catholics preached on a daily basis to their own, and were somewhat apart from the diocesan structure; it is little wonder that bishops were left feeling anxious. Nevertheless, neither was opposition so great, nor their failings so severe, to justify classifying Innocent III's approval of them as a 'fiasco'.³¹

With true mendicancy established in places stretching from the Spanish Marches to Milan, we may now turn to Diego's Castilian subprior, Dominic. Born to a well-off family on the central meseta in the early 1170s, he may well have been destined for the Church from his earliest

suspension of the bishop of Béziers), 682C (agreement over his resignation with the archbishop of Toulouse), 1164C–1165D (investigation into the archbishop of Narbonne); 216, 283D–284A (instruction to the legates to investigate the bishops of Auch and the archbishop of Narbonne), 408C–409A (ordering the bishop of Auch to resign), 409B (the same to the bishop of Rodez).

²⁸ *Registrum*, PL 215, 1512D–1513A.

²⁹ On Map's dislike of the Waldensians, see Lambert, *Medieval Heresy*, p. 71. Map's own self-serving account is translated in Brooke, *The Coming*, pp. 151–152. Even he remarked on their humility (as 'false', of course).

³⁰ *Registrum*, PL 216, 274C.

³¹ Heribert Christian Scheeben, *Der heilige Dominikus* (Freiburg i.B., 1927), p. 180.

days.³² His education was in the hands of an uncle who was an archdeacon, and he studied at the cathedral school in Palencia until a famine provoked him to sell his books and set up some form of feeding regime for the starving. His example led others to contribute to the charitable work.³³ This action, it is said, drew him to the attention of the bishop and prior of Osma, Martin and Diego respectively, who recruited him for their reformed chapter.

Such a story is of course acceptable, but I think it unlikely. Given that Dominic was born in the diocese of Osma, his uncle was probably an archdeacon of that same diocese; Dominic's progress would surely have been known to the canons. They would, in any case, more likely than not have been informed about his frequenting of the *scholae*, and their summons of Dominic to their chapter has the look of something like a work of rescue: the young cleric had sold his possessions—most particularly his books, but also his furniture—in a remarkable show of charity. Yet once the crisis was over, and food reasonably plentiful again, he would have been at a loose end, unable to continue with his studies for want of books, and possibly unable to pay for classes anyway. There is no sign of early mendicancy here in Dominic, but certainly an insouciance (or hopeful trust in Providence) that would also characterize later, riskier actions. And with the right ecclesiastical backing, he learnt that all would generally turn out well.

Once in Osma, he rose quickly to become sacristan, then, subprior, and, as we have seen, became involved under the now-Bishop Diego with the *Predicatio* in the Midi; but, even in his own early hagiographical record, he is always overshadowed by his bishop.³⁴ In the Midi,

³² R.F. Bennett, *The Early Dominicans: Studies in Thirteenth-Century Dominican History* (Cambridge, 1937), p. 20, n. 2: 'It has become conventional to connect Dominic with the noble house of Guzmán; but scholars have never regarded the case made out by Brémond (*De Guzman stirpe S. Dominici*, Romae 1740) as proven.'

³³ A story repeated in John of Navarre's testimony to the Bologna canonization proceedings: *Acta canonizationis S. Dominici*, § 29, ed. Laurent (as at n. 3), pp. 123–167, at p. 147; trans. Tugwell, *Early Dominicans*, p. 76. A partial version from Stephen of Spain is found in the same place: *Acta canonizationis S. Dominici*, § 35, pp. 153–154; transl. Tugwell, *Early Dominicans*, p. 79 and Brooke, *The Coming*, p. 180. Retold in: Jordan, § 10, pp. 30–31; Petrus Ferrandi, § 9, pp. 214–215; Constantine, § 9, pp. 291–292; and Humbert, § 7, pp. 374–375. Presented as the embrace of poverty by M.-H. Vicaire, *Histoire de saint Dominique*, I: *Un homme évangélique* (Paris, 1982), 92.

³⁴ Jordan, in particular, introduces Diego immediately after his prologue (§ 4, pp. 26–27) before mentioning Dominic. As is to be expected, Diego was rapidly airbrushed from the order's memory: for an example of this process, see Simon Tugwell, 'Petrus Ferrandi

Dominic was essentially fulfilling his bishop's commands. And, indeed, some memory of Palencia and therefore doubt about his more temporal abilities was apparent, since Diego left spiritual matters in Dominic's hands, but control of land and monies in those of William Claret (who later made the sensible choice to become a Cistercian).³⁵

After Diego's death in the last days of 1207, some responsibility for the *Predicatio* fell to Dominic, co-opted by the legates, and he led the group of men and women assembled under the deceased bishop's aegis at Prouilhe and then, thanks to the generosity of Fulk, bishop of Toulouse, the church of Saint Romain.³⁶ Fulk took charge of their welfare: they intended to live 'in evangelical poverty' whilst preaching the truth of the gospel,³⁷ but, although embracing a simple life, they certainly did not need to beg to provide their main sustenance. The model was still more-or-less that established by Diego: funding by a bishop, although now with more stability in that the agreement was in perpetuity. The canonical regularity of this agreement was probably guaranteed by the consent of the cathedral chapter and clergy of Toulouse (presumably through some form of diocesan synod) to giving a sixth of the tithes from churches that were the bishop's over to the brothers of the Preaching in perpetuity. Any surplus at year's end was to be returned or given to the poor.

Dominic then sought Innocent III's approval for the order; he was sent away to prepare a suitable rule—since, it has always been assumed, the council had forbidden new 'orders'—but, by the time he had returned to Rome, Honorius III was pope and he, eventually, approved the order. Innocent's attitude and role in all of this is by far the most difficult to gauge. What went on with those meetings with successive popes? In the twentieth century, Scheeben argued that Dominic went to Rome with a blueprint for the Order of Preachers, only to be brushed brusquely off by Innocent, and have his plans eventually approved by Honorius III.³⁸

and his *legenda* of St Dominic", *Analecta Fratrum Praedicatorum*, 74 (2007), pp. 19–100, at p. 25; Tugwell, "Notes" (1996), 149–150.

³⁵ Bennett, *The Early Dominicans*, p. 41.

³⁶ The Cistercian abbots were, in any case, making for home at the same time that news of Diego's death reached them: Tugwell, "Notes" (2003), p. 12. For Fulk's provision and development in Toulouse, see Tugwell, "Notes" (2003), pp. 88–93.

³⁷ Vladimir J. Koudelka, ed., *Monumenta Diplomatica S. Dominici*, (*Monumenta Ordinis Praedicatorum Historica*) 25 (Rome: Istituto Storico Domenicano, 1966), doc. no. 63, p. 67; henceforth cited as Koudelka.

³⁸ Scheeben, *Der heilige Dominikus*, p. 379, and his rather acerbic 'Dominikaner oder Innozenzianer', *Analecta Fratrum Praedicatorum*, 9 (1939), 237–297.

On another tack, Vicaire suggested that Dominic gained what he sought from Innocent—approval of his diocesan preaching foundation in perpetuity, as enabled by Fulk—to be encouraged into wider diffusion of the order through Honorius's later involvement.³⁹ Tugwell, in what is the most convincing of all the narrations, suggests that Dominic and Fulk went to receive confirmation for their diocesan project from the pope (following Vicaire), but it was Innocent who pushed Dominic to think of widening his horizons (so following neither Vicaire nor Scheeben), thus necessitating the adoption of a recognized rule (that of Saint Augustine was chosen, in line with Canon 10 of the recent Lateran council) to show forth their respectability, since the failure of the Poor Catholics to gain supporters amongst the episcopate was to the fore of the pope's mind.⁴⁰

This is probably the best account that we shall get, although one might point out that the experience of the Poor Catholics (as detailed above) was not entirely disastrous, given that they thrived in their homelands with or without the support of their local bishops. And it should be borne in mind that the Humiliati were as close to an unmitigated success as it would be possible to imagine.⁴¹ In any case, the pope could have simply told the bishops to get on with it—as Honorius did in the end do—, overcome their misgivings and co-operate with the preachers: that was most definitely a prerogative of papal power.⁴²

One might further point out that Innocent did not feel himself bound by the decisions of the council in relation to the women who later came to be called the Poor Clares, since he not only noted in his approval of their

³⁹ Marie-Humbert Vicaire, 'L'ordre de saint Dominique en 1215', *Analecta Fratrum Praedicatorum*, 54 (1984), 5–38.

⁴⁰ Tugwell, "Notes" (1995), pp. 13–17, 30–35; (2003), pp. 96–97, following Vladimir Koudelka, *Dominikus*, (Gotteserfahrung und Weg in die Welt) (Olten and Freiburg i. B., 1983), pp. 46–47.

⁴¹ Granted the privilege of holding land by Urban III in 1186 (just two years after 'those who falsely call themselves "Humiliati"' were condemned as heretics), their three orders (monks and nuns, clerics and lay people) received separate rules from Innocent III in 1201. The pope had previously reprovved an over-zealous archdeacon for excommunicating them: see Ellen Scott Davison, *Some Forerunners of St. Francis of Assisi* (Washington, DC, 1907), pp. 58–69, Brooke, *The Coming*, pp. 81–82, and the excellent study by Frances Andrews, *The Early Humiliati*, Cambridge Studies in Medieval Life and Thought, Fourth Series, 43 (Cambridge: CUP, 1999).

⁴² Innocent III was quite happy to allow the lay Humiliati to exhort their brethren as long as they did not touch upon doctrine, even without episcopal approval, as he established in their rule: Hieronymus Tiraboschi, *Vetera Humiliatorum monumenta. Annotationibus ac dissertationibus prodromis illustrata*, 3 vols. (Milan, 1766–1767), 2:134. The mistakes made concerning the Waldensians were not being repeated.

way of life both what a novelty it was (thus revealing that it did indeed fall foul of the council's decision), but also that he wrote it out in his own hand with evident good cheer.⁴³ These mendicant women, although enclosed, were to live off alms and the work of their own hands—certainly something that Dominic would not have envisaged for the communities of nuns he was engaged in supervising.

Innocent's supposed hesitation *may* have been due to the thorny topic of mendicancy. Innocent, as we have seen, never had a good word to say about it in his letters, and, whilst he was prepared to accept the Poor Catholic model, he may have been less enthusiastic about turning what could be large numbers of clerics onto the public charge, and, indeed, blurring the boundaries between what the clergy had a right to expect and what they were entitled to ask for. But, at least initially, there is little evidence to lead one to think that mendicancy was really what was being aimed at in the approval sought from the Holy See at this point. Certainly the years before the council saw Dominic not only receiving gifts of land and buildings, but actively consolidating Prouilhe through purchase. Innocent's first bull for Dominic on 8 October 1215 simply confirmed the possessions of Prouilhe itself, accompanied by mention of its major donors.⁴⁴

Yet the fraction of tithes given by Fulk from his own revenues was not included in that document. Given that this donation was dated by Koudelka to June or July of 1215, one might be tempted to think that a separation of Prouilhe and the preachers was being planned.⁴⁵ But if that were on the cards before the Lateran Council, it seems to have been driven into the long grass afterwards. The donation of Saint Romain by the Toulouse cathedral chapter in July 1216, is to Dominic and his *socii* but grants burial rights not only to the canons, but also to the sisters and *conversi* (lay-people who had joined the monastery).⁴⁶ No separation

⁴³ Brenda M. Bolton, "Mulieres sanctae", in *Women in Medieval Society*, ed. Brenda Bolton and Susan Mosher Stuard (Philadelphia, 1993), pp. 141–158, at pp. 148–149.

⁴⁴ Koudelka, 65, p. 59.

⁴⁵ Koudelka, 63–64, pp. 57–58; John Hine Mundy, *Studies in the Ecclesiastical and Social History of Toulouse in the Age of the Cathars* (London: Ashgate, 2006), p. 81 n. 57, accepting Hyacinth Laurent's dating (*Monumenta historica sancti patris nostri Dominici*, vol. I: *Historia diplomatica S. Dominic* (Paris, 1933), at doc. no. 67). Pèire Seilhan brought various properties in Toulouse with him when he joined the *Predicatio* (Koudelka, 62, pp. 53–56).

⁴⁶ Koudelka, 73, pp. 68–69; *socii* was also Fulk's term: Koudelka, 65, l. 25, p. 57. Lay people had only joined Prouilhe as *conversi*.

was then envisaged, although it is perfectly possible that Dominic had thought of moving the '*conversae* ladies and their brethren' to the hospital inside Toulouse.⁴⁷

It is difficult not to see this procedure as following what we might assume were Innocent's instructions: the institutionalization of the *Predicatio* as dependent upon muscular diocesan financing, contemporaneous with the adoption of a rule and canonical observance. Such a structure would not prevent Christendom-wide expansion. Indeed, it would make it possible. Once they were regularly established as canons they could make foundations wherever they were made welcome. We need neither posit Innocent's having opened Dominic's horizons to a world-wide order, nor for the pope to have shattered his hopes of the same. The best we can say is that Innocent suggested they become turbo-charged Premonstratensians, as we may infer from the hasty adoption of the Premonstratensian constitutions, followed by the equally rapid realization that it was not in the least suitable, which then lead to the subsequent adoption of the practice of dispensation not as rare exception (as was up to then normal), but as necessary principle underpinning the order; such a process implies, at the least, that what Innocent envisaged was the gradual spread of the order as canons.

It is important to note that, here with Dominic, we have not really reached even a suspicion of mendicancy. By the time Honorius approved the preachers' status as canons and then, separately, as preachers,⁴⁸ the better-situated Saint Romain had become the canons' headquarters, and included amongst its possessions both the church of Prouilhe 'with all

⁴⁷ The cited phrase is taken from Fulk's donation of the hospital: Koudelka, 64, ll. 20–21, p. 58. It is wholly unnecessary to understand *conversae* as 'converted' from heresy, just the *seculum*.

⁴⁸ Koudelka, 77 and 80, pp. 73–76, 80. The first confirmation (Koudelka, 77) does not imply Honorius's misunderstanding of Dominic's purposes, or Dominic's need to explain matters more clearly to him (*pace* Tugwell): it was merely a standard form for approving a congregation, followed by a supplementary specification (Koudelka, 79, pp. 78–79). For a text similar to the first confirmation from the twelfth century, see C.R. Cheney, 'A Papal Privilege for Tonbridge Priory', *Historical Research*, 38 (1965), 192–200, at pp. 199–200, and for a near-identical one for Premonstratensians which Honorius's chancery emitted on 15 1 1224 (the only main difference being the right of the canons of Saint Romain to present their own candidates for their parishes, ll. 72–75, p. 74), see Fidel Fita Colomé, 'El monte Cildad y la ciudad de Oliva. Bula de Honorio III ilustrada con documentos inéditos', *Boletín de la Real Academia de la Historia*, 18 (1891), 441–458 at pp. 445–450. On the development of Honorius's bulls in favour of the Preachers, see Vladimir Koudelka, "Notes sur le cartulaire de S. Dominique. Troisième série: bulles de recommandation", *Archivum Fratrum Praedicatorum*, 34 (1964), pp. 5–44.

that belongs to it' and the aforementioned hospital in Toulouse.⁴⁹ Prouilhe itself had been built up into a worthy *abbatia* by both donation and purchase. Even the intention to live by the *regula apostolica* in which their rule of life was expressed need not be understood as implying anything approaching what we might recognize as mendicancy.⁵⁰

The pressing concerns of the preaching canons, at least to judge from the papal bulls procured immediately after their confirmation, were twofold. First, by repeating what had already been established in the original confirmation, to prevent professed members leaving Saint Romain—surely witnessing an understandable desire to keep hold of preachers in the light of the difficult political situation.⁵¹ Second, to shore up the foundation of sisters at the Arnald-Bernauld hospital in Toulouse.

The agreement with Fulk over the tithes that supported the community was still maintained in 1217, where the parishes destined to contribute to the preachers were identified as those with more than ten parishioners.⁵² Although Tugwell maintains that 'the terms of their settlement make it clear that Dominic simply repudiated the claims being made

⁴⁹ Koudelka, 77, l. 53, p. 73. Further possessions given by Fulk were the 'villam de Cassenolio' (Casseneuil, roughly 80 km NW of Toulouse); the churches of 'Sancte Marie de Lescura' (Lescout, some 60 km E of Toulouse) and 'Sancte Trinitatis de Lobens' (60 km S of Toulouse) (ll. 54–57, p. 73). These donations were fully agreed to by the chapter 'as is fully set out in their documents' (l. 60, p. 73), although these have not survived; these donations would also seem to have been parish churches (and therefore valuable for their tithes), rather than even potentially future sites for outposts of the *Predicatio*; Jordan (§ 44, p. 46) only observes that 'it never came about that the brethren lived in them'. Petrus Ferrandi does claim that they were destined to be convents (§ 29, p. 230) but repeats that the brethren never lived in them (p. 231).

⁵⁰ See, for example, Ernest W. McDonnell, "Vita Apostolica: Diversity or Dissent", *Church History* 24 (1955), 15–31; for the eleventh-century papal equation of 'apostolic life' as the life in common of monks or canons, see Cristina Andenna, *Mortariensis ecclesia: una congregazione di canonici regolari in Italia settentrionale tra XI e XII secolo* (Berlin, 2007), pp. 68–69, and, for twelfth-century discussions, see Henri de Lubac, *Medieval Exegesis*, vol. II: *The Four Senses of Scripture*, trans. E.M. Macierowski (Edinburgh, 2000), pp. 148–149. For the 'apostolic rule' as being shared between both monks and canons, see Gerhoh of Reichersberg, *Liber de edificio dei*, § 4, PL 194, 1187–335, at 1209B, and as being, in canonical terms, identical to 'monastic/canonical life lived according to a rule', see Giorgio Picasso, "Vita commune del clero e azione pastorale: sulle origini di un canone intransigente", in his *Sacri canones et monastica regula: disciplina canonica e vita monastica nella società medievale* (Milano, 2006), pp. 219–225, at p. 223.

⁵¹ Koudelka, 81, p. 81; cp. 77, ll. 67–71, p. 74. For early temptations to leave the order in Bologna (where things are supposed to have gone swimmingly), see Geraldus de Fracheto, *Vitas fratrum*, § 1.5.1 and § 4.2.2a, ed. Benedictus Maria Reichert, (*Monumenta Ordinis Fratrum Praedicatorum Historica*) 1 (Louvain, 1896), pp. 25–28, 153.

⁵² Koudelka, 83, pp. 83–84.

by his brethren⁵³ (thus showing the Dominic had mendicancy in mind all along), this is to go beyond what the document offers. There must have been some negotiation, since, for example, it is stated that separate chapels in parishes did not thereby reduce the total number of parishioners,⁵⁴ and it is difficult to understand why this detail was specified if the issue had not been one on which there had been a previous disagreement which was now being settled in Dominic's and his brethren's favour. Furthermore, the church of Limós (some twenty kilometres SE of Prouilhe) was defended in a dispute with the monastery of Saint-Hilaire, an agreement which was formally accepted by all the canons, both of Saint Romain and Prouilhe.⁵⁵ Simon de Montfort was bothered during his wintry siege of Toulouse so that his seneschals might be ordered, rather tersely, to look after Dominic's property 'as if it were our own'.⁵⁶ Early the following year saw donations to Prouilhe of a piece of land and, subsequently, the villa of Agassens together with various rights over woodcutting for developing the town.⁵⁷

With such a set of foundations behind the canons of Saint Romain, their future would have been assured. As canons, they would have been able to spread in the manner the Premonstratensians had done, and indeed our canons preachers were well placed to do so after the Lateran decrees encouraged bishops to name subordinate preachers within their dioceses. Calls for assistance would no doubt soon come. But the canons were based in the war-torn Midi. Plans may well have been underway to procure a place in Paris, but the deteriorating political situation and the loss of Toulouse would seem to have forced Dominic's hand. His solipsistic justification for his decision to abandon the birthplace of the *Predicatio*, namely that 'I know what I am doing', must have seemed odd to the orthodox Catholics (including his benefactors, such as Fulk and Simon de Montfort) in the midst of a crusade that was then starting to look more like the Second than the First: now, if ever, there was need for

⁵³ Tugwell, "Notes" (1995), p. 48.

⁵⁴ Koudelka, 83, ll. 32–36, p. 84.

⁵⁵ Koudelka, 82, pp. 82–83. The church of 'Beati Martini de Limoso' was first donated to Prouilhe by the Archbishop of Narbonne, Berengarius, in 1207 (Koudelka, 5, pp. 14–15), handed over in 1209 (Koudelka, 9, p. 19). Both texts have been tampered with: see Tugwell, "For whom", p. 29; R.J. Loenertz, "Archives de Prouille", *Archivum Fratrum Praedicatorum*, 24 (1954), 37–47.

⁵⁶ Koudelka, 84, p. 85, l. 20, on 13 XII 1217. For Dominic's friendship with the count, see Tugwell, "Petrus Ferrandi", pp. 26–27.

⁵⁷ Koudelka, 85 and 89, pp. 85–86, 89–90.

committed preachers in the diocese.⁵⁸ And had Pope Honorius not sent a missive at the start of that year to the Parisian academics instructing some of their number to go to the region of Toulouse and preach?⁵⁹

Dominic evidently felt the time was right to look for another base for his canons preachers. But given the parlous state of the canons' holdings, it is not excessive to say that necessity was the midwife, if not the mother, of mendicancy. It would have been difficult for groups of canons, sent out to sow the Word and establish what convents they might, to be supported on revenues from Languedoc. And certainly not if the fate of the nuns had to be considered as well; it was probably to protect the latter's interests that Prouilhe (and therefore the nuns) was separated from Saint Romain by a bull of 30 March 1218.⁶⁰ The idea of itinerant mendicancy had certainly been present from the start, from Diego's preaching on foot; but what Dominic now asked of his brethren was very different from short, sporadic journeys through southern towns; traversing large parts of Europe was a different matter.

The dispersal may have been *force majeure*, but it cannot be said to be unplanned. The rather curious naming of Paris-bound Matthew as *abbas* of Saint Romain would seem to indicate that Dominic was attempting to provide a recognizable structure for the order,⁶¹ and—in sending him

⁵⁸ See the testimony of John of Navarre at the Bologna canonization proceedings: *Acta canonizationis S. Dominici*, § 26, p. 144; transl. Tugwell, *Early Dominicans*, p. 74.

⁵⁹ Koudelka, 78, pp. 77–78, on 19 I 1217. This is often understood as summoning lecturers for the canons preachers (e.g., Tugwell, *Early Dominicans*, p. 15), although it is quite clear that Honorius is calling academics down to preach, not teach. It is by no means obvious that they would have been connected to the canons of Saint Romain. Dominic would seem to have been possessed of a rescript (Koudelka, 78, p. 76, l. 7), so was perhaps to be, as previously, the 'minister predicationis' (for the phrasing, see Tugwell, "Notes" (1995), 24–25), in a temporary organization distinct from his own canons.

⁶⁰ Koudelka 90, pp. 90–93. Since the properties there listed are solely those given to Prouilhe, it cannot be the case that Dominic was seeking to preserve a house for the order should Saint Romain be permanently lost (as Tugwell, "Notes" (1995), p. 120, but see "Petrus Ferrandi", p. 79). In that case, one would expect the document to also lay claim to the far-flung possessions of Saint Romain. The most likely scenario was that Dominic was deliberately separating the sisters and *conversi* from his male order: with future mendicancy in mind?

⁶¹ See the discussion in Simon Tugwell, "The Evolution of Dominican Structures of Government, I: the First and Last Abbot", *Archivum Fratrum Praedicatorum* 69 (1999), 5–60, at pp. 14–21. Tugwell argues that Matthew was never (even temporarily) abbot of Saint Romain, yet one should bear in mind that Iohannes Briardi and his wife, Amicia, donated their tithes to the 'abbot and co-brethren of Saint Romain of the order of preachers' (Koudelka, 96, ll. 13–14, p. 99; II 1219); if the abbot mentioned is not really of Saint Romain but of the Parisian *conventus*, still without a base there, one is forced to assume that the donors did not know where the abbot thought he belonged yet forced all about

away immediately—looking to Paris as offering the lynch-pin of the order, providing a mother-house around which others could be gathered. Prouilhe had quite happily been subordinated to Saint Romain after 1216; Saint Romain could have similarly been demoted after a Parisian foundation. Certainly the establishment of the preachers in France saw houses established from Paris rather than from Toulouse.⁶²

Yet the instruction to go to Paris was memorialized as a stand-off between John of Navarre and Dominic: John insisting that he be given money for the trek up to the university; Dominic responding histrionically, weeping over a sinner who would not weep for himself. But John won that battle and received twelve *denarii* to travel to the capital,⁶³ where the brethren settled down to lives as canons at the schools, entering happily into both negotiation for properties and consequent litigation. They clearly did not think that they were infringing any principle of poverty. In Spain, houses and a farm were received which could only have been used as a source of income, rather than as places to live.⁶⁴

the newfangled name, 'Ordo predicatorum,' a term which Dominic himself preferred not to use (see n. 64, below), although it was being insisted upon in Bologna as well (see for example at Koudelka, 97, l. 17–18, p. 100; 14 III 1219, 'your order which is called the order of preachers'—the name was, according to Salanhac, coined by the pope: *De quatuor*, § 2.1, at pp. 13–14). Furthermore, if Iohannes and Amicia felt that an abbot could not be without a monastery, it is likely that the recently-arrived canons preachers shared this preconception. The innovative notion of the *conventus* as the defining grouping, that is a group of friars who did not necessarily own a monastery, could only have arisen in retrospect, rather than during that trip to Paris, and was most likely developed amongst those clever recruits in Bologna who had studied canon law. *Abbas* is maintained at Koudelka, 120, l. 8, p. 123 on 31 III 1220, for example, but not in Koudelka, 173, l. 29, p. 171 (1221), where he is termed 'prior'.

⁶² For the centrality of Paris, Tugwell, "The Evolution", pp. 27–28; idem, "Notes" (1995), pp. 123–124.

⁶³ Salanhac, *De quatuor*, § 3.7.8, at p. 155, ll. 8–18.

⁶⁴ It is difficult to see how the houses in Brihuega (Koudelka, 94, pp. 97–96; XI 1218) conceded by the archbishop of Toledo (and Osma old boy), Rodrigo Ximenes de Rada, might have served other than as a fount of revenue (Brihuega is, essentially, miles from anywhere—roughly thirty kilometres from Guadalajara, but that itself is roughly a hundred and thirty from Toledo). This was not a foundation in or anywhere near a significant town. Vicaire, *Histoire de saint Dominique*, 2: *Au coeur de l'Église* (Paris, 1982), p. 120, takes this donation as Rodrigo's 'opening of his diocese to the ministry of the Preacher'—but then Vicaire was convinced that Rodrigo was really, at heart, a reformer; *au contraire*: see Peter Linehan, *The Spanish Church and the Papacy in the Thirteenth Century*, (Cambridge Studies in Medieval Life and Thought) 4 (Cambridge, 1971), pp. 6–9, who details Rodrigo's heartfelt desire to fill his own coffers at the expense of both crusade and papacy during 1218–1219; further, Tugwell, "Notes" (2003), p. 13.

It was only after the *fait accompli* of the dispersal of the canons that Dominic secured Honorius III's commendatory bull, which describes not only their purpose and mission ('the friars preachers, whose useful ministry and way of life is pleasing, we believe, to God') but also, inextricably linked to the same, their way of life: 'those who, setting forth the word of the Lord freely and faithful, aiming at the benefit of souls, following the Lord alone, claim only the distinction of poverty'.⁶⁵

Although, looking back, it is inevitable that the oxymoronic 'distinction (or honour) of poverty' (*titulum paupertatis*), or Fulk's definition of the canons preachers of Saint Romain as living 'in evangelical poverty' should be understood as mendicancy,⁶⁶ the two are not quite the same thing. 'Poverty' encompassed a nebulous area of wealth-holding by monks and canons which is now, and probably was even then, impossible to define. In any case, if the pope's definition of the order indicated mendicancy, the brethren in Paris would have immediately adopted it, rather than rejecting Dominic's entreaties and taking their own time to be convinced.⁶⁷ They were eventually brought on-side, and off-loaded the properties they had painstakingly amassed, probably after encouragement from Dominic's highest profile convert, Reginald of Orléans, former master of canon law at Paris, and who had, before meeting Dominic, wished quite independently to live a life of preaching and poverty.⁶⁸ We may assume that Reginald's presence significantly consolidated Dominic's own position in supporting mendicant preaching against the entrenchment of more traditional ways of living the religious life.

⁶⁵ Koudelka, 86, p. 87, on 11 II 1218, specifically ll. 22–23 and 26–28. Dominic took time to warm to the papal terminology of 'ordo predicatorum' ('Order of Preachers'), and preferred his old formulation, 'ordo predicationis' ('Order of the Preaching'; see Tugwell, "Notes" (1995), p. 24); it was to the *ordo predicationis* that Spanish benefactors thought they were donating (Koudelka, 99, ll. 13–14, p. 103, in v 1219; and possibly 94, l. 15, p. 97 in x1 1218). Was this not just innate fuddiduddiness, but a wish to hang on to the element of occasionally itinerant and mendicant preaching which had been, or was in danger of being, abandoned in the 'new' order?

⁶⁶ Koudelka, 63, l. 26, p. 57. *Titulus paupertatis* had found favour with Bernard of Clairvaux, *Epistola* XXIII, PL 182, 126B, who goes on to say 'this distinction ennoble you more than any kingly treasures, and makes you more high-born'; he was writing to a bishop. It was also much used in correspondence by Peter of Blois (see his *Epistolae*, 3, 14, 102, 147, 229; PL 207, 8C, 44D, 321D, 435C, 522B).

⁶⁷ Tugwell, "Notes" (1995), pp. 49–50.

⁶⁸ Jordan's account of Reginald (§ 58, 61–66, pp. 52–56) is lacking key information, filled in by Petrus Ferrandi, § 33–37, 41, pp. 233–239; Tugwell, "Notes" (1995), p. 50. He presumably, given his academic role, had heard of the Poor Catholics and Humiliati, but chose not to join them: perhaps they were not grand, or clerical, enough.

Paris was established by the canon preachers, sent there with money and horses; they relinquished their lands, adopting mendicancy from a position of relative luxury. Yet what mendicancy might mean in practice to the establishment and development of a house can be seen in the place that became the other pole of the order, Bologna. The Premonstratensians (what we might call the representatives of the 'canonical ideal' of preaching) could be highly effective at combating heresy, but they had to wait until a suitable residence became available before they could move into an area and begin the essential work of increpation and instruction, since they also had to preserve their liturgical observance, as the example of twelfth-century Antwerp shows.⁶⁹ In contrast, the Bolognese case is a good example of how initial mendicancy allowed individuals to turn up uninvited and—as long as their fortitude lasted—wait around until they received a church to celebrate their offices and enough land, or enough money to buy the land, to create a monastery. With important support amongst the university masters, the friars prospered.⁷⁰ Mendicancy—this very strict implementation of poverty, begging daily, and living off the hospitality of the inhabitants of a town—had significant advantages over the Premonstratensians' methods, particularly for an organization that aimed to grow rapidly and extend over all Christendom.⁷¹

When their possession of the church of St Nicholas in Bologna had been assured, the friars were able to begin a campaign of purchases to assure themselves of a convent. The site for the convent of St Nicholas was bought on 14 March 1219, taking part of the land owned in the area by Petrus Lovelli and the rights to the church. However, this purchase included the land alone, since others owned the buildings. After down-payment of two hundred Bolognese pounds, Reginald of Orléans had enough left over to promise to compensate whoever had houses on the site at the price fixed by the *Comune* after the donor had cleared it.⁷² This plan was duly put into action with two purchases amounting to

⁶⁹ For their success in Antwerp once they had been established in the rapidly growing town, see *Vita Norberti*, PL 170, 1253–344, at 1311A–1313B; for heresy in Antwerp in the early twelfth century, see Malcolm D. Lambert, *Medieval Heresy: Popular Movements from the Gregorian Reform to the Reformation*, 3rd edn (Oxford, 2002), p. 51.

⁷⁰ On the crucial generosity of the noted legist Ugolino dei Presbiteri, see Luca Loschiavo, 'Le scuole dei legisti all'inizio del Duecento', in *L'origine dell'Ordine dei Predicatori e l'Università di Bologna*, ed. Giovanni Bertuzzi (Bologna, 2006), pp. 43–56, at pp. 55–56.

⁷¹ For the rapid desire to spread, see Koudelka, 164, pp. 165–166 (6 v 1221), a commendation of the friars preachers from Honorius III to Valdemar II, king of Denmark.

⁷² Koudelka, 97, ll. 64–68, p. 101.

thirty-one Bolognese pounds.⁷³ The remaining four hundred pounds for the land was paid off over two years.⁷⁴ Evidently, the preachers were no longer having to beg for daily sustenance. They had moved from itinerant nobodies in Bologna to significant investors in real estate. The papacy encouraged that move: the bull issued on 8 December 1219 is explicit regarding the need for both the bishops and the populace to support the preachers in whatever they might be in need of;⁷⁵ by contrast, the pope's previous commendatory bull was addressed solely to the ecclesiastical hierarchy in requesting their assistance.

But here came the difficulty with success: when to cry 'Enough!?' Dominic, in his dealings with the Bolognese friars, clearly felt that such a mark had been overstepped when he refused a large donation, insisting that they should live on alms gathered day-by-day, with any excess returned.⁷⁶ Probably at the same time as his refusal to countenance a large gift, he condemned the brethren for 'wanting to live in palaces' when they had attempted to raise the ceilings of their cells.⁷⁷ His accusation was rather excessive; and the brethren, in any case, did not pay much heed. The work already completed was left, and the remainder of what they originally planned to do was carried out after Dominic's death. As Tugwell comments, the brethren 'were prepared to humour him';⁷⁸ but, perhaps rather more, they were not prepared to adopt the same definition of the nature of their poverty and its extent as Dominic wished for.

One can understand their reluctance. The lines he drew do look slightly arbitrary. The very existence of individual cells, rather than dormitories, already looks like a concession to riches from the point of view of the single-dormitoried Benedictines. Individual rooms were, no doubt, a continuation of the traditions of the canons, and a concession to each friar's inclinations in leaving time for private reading and study. Yet the Bolognese preachers were raising the ceilings of their cells, not

⁷³ Koudelka, 126, 127, pp. 128–130, on 11 VII 1220 and 22 VII 1220.

⁷⁴ Koudelka, 139, ll. 20–22, p. 142, on 13 I 1221.

⁷⁵ Koudelka, 109, p. 114, ll. 35–38.

⁷⁶ Retold by Rudolph of Faenza in the Bologna canonization process for Dominic as a gift of land worth over 500 pounds Bolognese: *Acta canonizationis S. Dominici*, § 32, p. 150; trans. Tugwell, *Early Dominicans*, p. 77. The story, in abbreviated form, is also in Paul of Venice's deposition: *Acta canonizationis S. Dominici*, § 42, p. 161; trans. Tugwell, *Early Dominicans*, p. 82. A useful discussion is to be found in Bennett, *The Early Dominicans*, pp. 41–43, and Tugwell, "Notes" (1996), p. 108.

⁷⁷ Stephen of Spain: *Acta canonizationis S. Dominici*, § 38, p. 157; transl. Tugwell, *Early Dominicans*, p. 80, and Brooke, *The Coming*, p. 182.

⁷⁸ Tugwell, "Notes" (1995), p. 49.

building an extension to augment their size; and what could such home improvement be for, other than to increase the light available for reading? Here poverty conflicted with study: for Dominic, poverty should win out; for the Dominicans, study was the important thing. In both poverty and study, the brethren preferred other emphases to Dominic's own. He thought food should be simple—and his protest became a standing joke; one that he shared in, it is true, although he did not succeed in simplifying the menu.⁷⁹ He did better with the sobriety of the churches,⁸⁰ but his attempts to encourage the Parisian brethren to adopt mendicancy (and repudiate their properties) fell on deaf ears. What his poverty meant in practice—what it meant to the canons who were being asked to adopt it—is perhaps best summed up by the John of Navarre we met earlier, reminiscing as follows in the Bologna canonization proceedings:

Many brethren were received into the order, and they were given a great many properties and revenues and some estates, particularly in the regions of Toulouse and Albi. [...] In the days when the Order of Preachers owned estates and many properties in these places and used to carry money with them when they travelled and to ride on horseback and wear surplices, brother Dominic worked hard to get the brethren of the Order to abandon and make light of all such temporal things and to devote themselves to poverty and to give up riding on horseback and take nothing with them when they travelled.⁸¹

Begging clearly made less of an impression on John than not riding horses. Mendicancy *en route*, travelling on foot—these were probably large enough sacrifices already for most of the friars. It is no surprise that day-by-day begging around the convents quickly fell into desuetude.

Poverty was something that Dominic banged on about, and when the strong form of institutionalized poverty later known as mendicancy was adopted by the general chapter at Bologna, it was assumed by those not there that Dominic had had it inscribed into the constitutions. Those who had been there knew that it was the chapter that had enacted the legislation, just as the chapter had appointed Dominic as master of the order.⁸² Both decisions rooted their authority within the order, rather than on either the will (or whim) of the founder, or the beneplacitum of

⁷⁹ From the testimony of Rudolph of Faenza: *Acta canonizationis S. Dominici*, § 32, p. 149; trans. Tugwell, *Early Dominicans*, pp. 76–77.

⁸⁰ As noted by Friar Amizo of Milan (*Acta canonizationis S. Dominici*, § 17, at p. 137; trans. Tugwell, *Early Dominicans*, p. 71).

⁸¹ Tugwell, *Early Dominicans*, p. 74; *Acta canonizationis S. Dominici*, § 26, p. 144.

⁸² Tugwell, "Notes" (1996), pp. 72, 77.

the pope. Perhaps Dominic had learnt, after his experiment in sending out the brethren in 1217 from the Midi, that the best way of dealing with papal bureaucracy was to present a *fait accompli*. The papacy would be left to catch up with a situation which the brethren had engineered themselves.

The adoption of mendicancy was, in any case, immediately and enthusiastically seized on by the pope: Honorius added a new paragraph to his commendation of the order warning the faithful to accept no imitations, since the latter would ask for money.⁸³ The general chapter's decision became a useful safeguard against a ruinous proliferation of frauds. Their poverty—as well as their status as canons—was also a reason for Honorius to instruct parish priests in the same document that their parishioners might receive the sacrament of penance from the friars.⁸⁴ Dominic's radical view of poverty, winning the day at the general chapter, probably also seemed to Honorius to guarantee that economic competition between secular clergy and friars over parishioners would be avoided. Such was not to be the case—because Dominic's views had not really triumphed completely.

The institutional decision to embrace poverty, after Dominic's insistence upon it, has often looked inevitable from the later mendicant perspective—the only question was who influenced whom when it came to Dominicans and Franciscans. Nevertheless, a whole history of the importance of voluntary destitution as a spiritual value and sign of holiness can be found from the Life of Saint Alexis, cascading down the centuries. But, again, by the early thirteenth century, it was not simply poverty in and of itself that was attractive, but a life lived in consonance with the imitation of the apostles, based upon the commands of Christ—as Diego found with his heretics. Similarly, ecclesiastical law insisted on the importance of the poverty in the communal life of canons.⁸⁵

Cassian, in Dominic's favourite book when he was a canon in Osma, was insistent that the true successors of the Apostles were monks who lived in poverty. These were saved from the corruption that afflicted the rest of the Church. They were distinguished from the sarabaites

⁸³ Koudelka, 143, ll. 39–45, p. 146, on 4 II 1221.

⁸⁴ Koudelka, 143, ll. 22–24, p. 145.

⁸⁵ Giorgio Picasso, "La vita comune del clero in una collezione canonica dell'età gregoriana", in his *Sacri canones* (as at n. 50, above), pp. 299–310; cp. Gratian, C.12 q.1 c.2, 'The common life is necessary to all brethren, and above all for those who desire to struggle without failing for God, and wish to imitate the life of the apostles and their disciples.'

who wandered around, looking solely to their own profit.⁸⁶ One can understand the applicability of such strictures to a dominantly itinerant preaching order.

It is often noted that the poor, preaching hermits (who were mentioned earlier) bequeathed only various forms of Benedictinism or families of canonries, and therefore provide little help in explaining how the mendicants were arrived at. Yet an institutional model of preaching in poverty did exist. Not necessarily amongst the Poor Catholics—although they may have exerted a competitive influence which pushed the friars preachers along a road towards giving greater importance to conspicuous poverty. A possible precursor was outlined in the *Vita* of Stephen of Muret, whose dictum Dominic liked to repeat often: one should speak ‘of God or with God’.⁸⁷ In Stephen’s Life (publicised by the Grandmontines from the end of the twelfth century on), a coenobium of monks in the depths of Calabria was described as living in harmony in communal poverty, without excessive possessions or any servants, and, moreover, spending their time preaching.⁸⁸

Could this have been a model? Certainly the early friars preachers in Paris, after they had adopted mendicancy, were criticised in just such terms: ‘It would be good for you to have lands and vines and servants, so that you might keep yourselves.’⁸⁹ Dominic also wanted lay brothers to be given control over the temporal affairs of the convents—again, probably, an example of Grandmontine influence. Yet the disastrous Grandmontine example dissuaded his brethren from even considering the matter.⁹⁰ In this crucial matter, unlike the temporary discomfort of the ceilings, they were not prepared to humour the founder. Dominic’s proposal shows how he envisaged his preachers as being like the apostles,

⁸⁶ Tugwell, ‘Notes’ (1998), p. 38. Cassian, *Conferences*, 18.1–6.

⁸⁷ Stephen’s dictum was that ‘A good man ought always to speak of God or with God; now speaking in his prayer with God, with his neighbour of God’ (*Liber sententiarum seu rationum*, 30.2, in *PL* 204, 1085–1136, at 1102B). For Dominic, see the testimonies of Stephen of Spain and Paul of Venice in the Bologna *Acta canonizationis S. Dominici*, § 37, 41; transl. Tugwell, *Early Dominicans*, pp. 82, 87.

⁸⁸ Gerardus prior Grandimonetensis, *Vita Sancti Stephani*, in *PL* 204, 1005–1046 at 1031A–1034A.

⁸⁹ Robert E. Lerner, ‘Philip the Chancellor Greets the Early Dominicans in Paris’, *Archivum Fratrum Praedicatorum* 72 (2007), 5–17, at p. 12 (the ‘advice’ must have been warranted by the 1219 adoption of mendicancy by the Parisian friars).

⁹⁰ Tugwell, ‘Notes’ (1996), p. 64, and ‘Petrus Ferrandi’, p. 85. The event was recalled by John of Navarre: *Acta canonizationis S. Dominici*, § 26, pp. 144–145. The key presence of laybrothers in the order is passed over in total silence by W.A. Hinnebusch, ‘Poverty in the Order of Preachers’, *The Catholic Historical Review*, 45 (1960), 436–453.

appointing deacons to run their affairs, allowing them to concentrate on announcing the word of God. Again, we might point out that what mattered to Dominic was conformity to the apostolic example. Even Honorius's decision to allow them to hear confessions gave them another means of imitating the apostles.⁹¹ The issue of how one might most conform one's actions to the apostles within an institutional context is amply demonstrated by the story of Elias, the tyrannical successor of Francis as minister general, who commented that, if the friars preachers had twelve provincials (like the twelve apostles), he would have as many ministers as the seventy-two disciples.⁹²

A story from the *Vitas fratrum* well expresses how acutely these issues were felt amongst potential recruits to the religious life:

When Brother Peter of Aubenais was practising medicine in Genoa and had already made a promise to join the Order, the Poor Men of Lyons, also called the Waldensians, had such a disturbing effect on him that he was in great doubt which of the two he ought to follow. He was rather more drawn to the Waldensians he found there, because he saw in them more outward signs of humility and of the virtues of piety, while he considered the friars too cheerful and showy. So one evening, when he was brooding unhappily about this, not knowing what to do, he knelt down and asked God with all his heart, weeping profusely, to reveal to him, in his mercy, what he ought to do in this dilemma. After his prayer he went to sleep, and shortly afterwards he imagined that he was walking along a road with a dark wood on the left hand side of it, in which he saw the Waldensians all going their separate ways, with sad, solemn faces. On the right side of the road was a very long, high wall, which was extremely beautiful. He walked along it for some time and at last came to a gate. Looking in, he saw an exquisite meadow, planted with trees and colourful with flowers. In it he saw a crowd of Friars Preachers in a ring, with joyful faces raised towards heaven. One of them was holding the Body of Christ in his upraised hands. This sight delighted him and made him want to join them; but an angel who was guarding the gate blocked his way and said, 'You will not enter in here now.' He started to weep bitterly. Then he woke up and found himself bathed in tears and his heart joyful instead of his previous distress. After some days, when he had dispatched some business he was obliged to do, he entered the Order.⁹³

⁹¹ On canons as true followers of the apostles, see Giorgio Picasso, "Monachesimo e canoniche nelle sillogi canonistiche e nei concili particolari", in his *Sacri canones* (as at n. 50, above), pp. 161–189, in particular at p. 172.

⁹² Simon Tugwell, "The Evolution of Dominican Structures of Government: Terminology, Nomenclature and *Ordo* of Dominican Provinces", *Archivum Fratrum Praedicatorum* 75 (2005), 29–94, at p. 52.

⁹³ Tugwell, *The Early Dominicans*, pp. 138–139; Geraldus de Fracheto, *Vitas Fratrum*, § 4.13.5, pp. 183–184.

It is remarkable, given the Dominicans' fame as purveyors of orthodoxy, that the prospective recruit was not attempting to decide between, say, a Cistercian way of life and the mendicants', but rather whether he should throw in his lot with the heretical Waldensians or their Catholic opponents. Both groups were claiming the same sort of ground, and in the case of this dreamer the Dominicans win out because of their conventual structure (the *paradisus claustris* alluded to in the dream)—something which the Waldensians, because of their proscribed nature, could not develop.

The fundamental claim, shared by heretic and Catholic alike, concerned an evaluation of *who* most fully imitated, and therefore who could most fully represent, Christ and the apostles. It was only within such an ideologically competitive environment that mendicancy could play a part, and such competition is well illustrated by the Dominican novice who replied to Benedictine goading, 'When I read that our Lord Jesus Christ was not a white monk or a black monk, but a poor preacher, I want rather to follow in his footsteps than in those of anyone else.'⁹⁴ Mendicant preaching was a means to an end; that end was imitation of Christ and the apostles, and the most conspicuous sign of that imitation was *humility*.⁹⁵ That virtue was assisted, or perhaps (more radically) simply made possible, by poverty. And so, for the early thirteenth century, the key expression of public holiness was given primary institutional expression by the Humiliati and the Poor Catholics.

Yet social constraints must also be taken into account. Whilst it might be a sign of humility for clerics to beg, it would have been unacceptable (and nigh-on impracticable) for them to work with their hands. Poverty, for clerics, provided certain economic and practical limits which demanded dependence upon either a network of financial support, donations, and relative tolerance throughout the more affluent levels of society, or a smaller group of devout laypeople who would support their own. The latter, essentially, is the model espoused by the Humiliati and the Poor Catholics; the former, the more successful model championed by the Dominicans and, after their clericalization, the Franciscans—but even there, by 1274, limits had to be established since the tremendous

⁹⁴ Lecoy de la Marche, *Anecdotes*, p. 74; trans. Tugwell, *The Early Dominicans*, p. 139.

⁹⁵ See the remarks of Andrews, *The Early Humiliati*, pp. 58–62, on the useful concept of *humilitismo*, the acceptance of ideals similar to those of the Humiliati without actually being part of that particular movement, or, indeed, on the same side of the orthodox–heretical dividing line.

popularity of the mendicant model of life was becoming a danger to its continuation.⁹⁶ In essence, before 1274, almost anyone could start up a religious order, and preach, and beg.

Jordan was not wrong to begin his *Libellus* with an evocation of the saintly man who lived in Spain: Diego; since the *Libellus* is essentially an account of how the Order of Preachers came to be—and not a hagiographical *Vita* of Dominic.⁹⁷ For what Dominic did was to tinker with the model bequeathed to him by his former bishop. Preaching—the central concern—was done in humility and poverty. Life was lived as it was supposed it had been by the apostles. Begging was undertaken as part of how the preachers marked their presence, as well as guaranteeing their humility.

Nevertheless, the poverty was limited. No friar was destitute for long. Ecclesiastical and canonical necessity, and perhaps just plain common sense too, demanded that they possessed their own churches and the convents attached to these. Since they sought to be present in the cities, where there were people to whom they might preach, and heretics whom they might combat, then this usually involved some kind of purchase. Daily alms-seeking up to and not beyond what was strictly necessary was perfectly acceptable as an ideal, but it had to be set aside when issues of property were in play. Then money, not food, had to be amassed, or grants of land accepted, as we see with Reginald's remarkable fundraising in Bologna. This was clearly not quite what the apostolic model in Acts presented—since those of the early believers who possessed lands sold them and gave the money to the apostles who would distribute it to the needy amongst them (Acts 4:34–35)—but it was evidently obligatory in the thirteenth-century context of a growing order. Rather like Diego's establishment of preachers in the Midi, the brethren possessed a central house and therefore both security and permanence from which preaching could be sustained. The establishment and maintenance of such structures escaped from the more rigorous and obvious imperative of begging for daily needs. We can see how Dominic sought to maintain the focus of his preachers on preaching by proposing that lay brothers should be put

⁹⁶ A process most recently summarized by Roberto Ombres, "L'autorità religiosa nei Frati Predicatori come Ordine Mendicante", *Angelicum* 85 (2008), 947–963, at pp. 948–949; see also above, pp. 000–000.

⁹⁷ Tugwell, "Notes" (1998), pp. 5–33; idem, "Petrus Ferrandi", p. 55; Luigi Canetti, "La datazione del *Libellus* di Giordano di Sassonia", in *L'origine dell'Ordine dei Predicatori e l'Università di Bologna*, ed. G. Bertuzzi, (Collana Philosophia) 32 (Bologna, 2006), pp. 176–193.

in charge of other temporal things—a way, in modern parlance, of maintaining their ‘mendicant spirituality’. His attitude to the friars’ attempts at expansion in Bologna would seem also to be an attempt at transferring the limits placed on begging—accepting just enough from what one is given—to the greater projects of building convents. They should accept the buildings they have, even if mildly unsuitable, and not accept large donations unless absolutely necessary. It is all very well for a founder to behave in this way; it is much more difficult for his humble followers to make those types of decisions.

Yet that the friars refused to hold properties other than those occupied by their convents was, and was seen to be, a radical break with the traditions—and the economic presuppositions—of religious life. It was not only a rejection of the long-standing Benedictine equation of temporal prosperity with monastic holiness.⁹⁸ It offered the devout a means of contributing to the supporters of orthodoxy through their own freely-given donations rather than through obligatory tithes. And it further guaranteed that attention would not go into the development of estates or the embellishment of monastic churches and ritual, but on the more ephemeral and immediate office of preaching.

⁹⁸ See John Van Engen, “The Crisis of Cenobitism Reconsidered: Benedictine Monasticism in the Years 1050–1150”, *Speculum* 61 (1986), 269–304.

CHAPTER THREE

FEMALE MENDICANCY: A FAILED EXPERIMENT? THE CASE OF SAINT CLARE OF ASSISI

JOAN MUELLER

It was so straightforward in the beginning. Francis of Assisi had found his way out of what we might today call post-traumatic stress syndrome. After being captured and imprisoned for a year following the Perugians' defeat of the Assisi commune, he attempted to go to Apulia to resume his quest for knighthood, but became ill after a day's journey.¹ Returning home, Francis found himself preoccupied and wanting solitude. He became especially obsessed with giving food and money to the indigent: "his whole heart was intent on seeing the poor, listening to them, and giving them alms."² The son of a wealthy textile merchant, Francis began to despise wealth, giving money away to the needy, purchasing furnishings for neglected churches, and even, when on a pilgrimage to Rome, exchanging his luxurious clothes—albeit only temporarily—with a beggar.³

Floundering in this way, Francis, in his *Testament*, recalls the turning point:

¹ *Legenda trium sociorum* 2–3 (hereafter *L3S*). Unless otherwise noted, Franciscan sources used in this essay are found in *Fontes Franciscani* (Assisi: Edizioni Porziuncola, 1995). The *Legend of the Three Companions* was commissioned by the Franciscan Minister General, Crescentius of Jesi, in response to the mandate of the Genoa Chapter of 1244. Concerned that the brothers who had known Francis during his lifetime were dying, the delegates to the General Chapter requested that these early brothers write their remembrances. The agenda of the writers of *Legend of the Three Companions* was to compose a more accurate biography of Francis than Thomas of Celano's *First Life* and to include facts concerning Francis's early life in Assisi that would have been known only by his first companions. For a critical analysis of *The Legend of the Three Companions* and its place within the "Franciscan Question," see Jacques Dalarun, introduction to *François d'Assise vu par les compagnons* (Paris: Les Éditions du Cerf—Les Éditions franciscaines, 2009), 11–57.

² *L3S* 3:9: ita nunc cor suum totum erat intentum ut pauperes videret vel audiret quibus eleemosynas largiretur.

³ *L3S* 3:10.

When I was in sin, it seemed very bitter for me to see lepers. And the Lord himself led me among them and I showed them mercy. When I left them, what had seemed bitter to me was turned into sweetness of soul and body. Afterwards, I delayed a little and left the world.⁴

After his famous rejection of his father before the bishop of Assisi, Francis spent about three years as a hermit seeking God's will.⁵ While in this state, he continued the reconstruction of the Church of San Damiano that he had begun before his conversion. Other people joined him in this project:

Filled with joy, he would cry loudly in French to those who lived near and those passing by the church: "Come and help me in the rebuilding of the Church of San Damiano. For in the future it will be a monastery of ladies whose fame and life in the universal church will be glorified by our heavenly Father."⁶

What is more certain is that Francis seems to have begun the work of building a woman's monastery before he had brothers. Evangelical groups

⁴ *Testamentum* 1–3: Quia cum essem in peccatis nimis mihi videbatur amarum videre leprosos. Et ipse Dominus conduxit me inter illos et feci misericordiam cum illis. Et recedente me ab ipsis, id quod videbatur mihi amarum, conversum fuit mihi in dulcedinem animi et corporis; et postea parum steti et exivi de saeculo.

⁵ *L3S* 8.

⁶ *L3S* 7:24: clamabat alta voce in gaudio spiritus ad habitantes et transeuntes iuxta ecclesiam, dicens eis gallice: 'Venite et adiuuate me in opera ecclesiae Sancti Damiani quae futura est monasterium dominarum, quarum fama et vita in universali ecclesia glorificabitur Pater noster caelestis.'

It is difficult to know for certain whether this pericope reflects historical fact, or is, rather, a mere literary device used by the author of *The Legend of the Three Companions* to link Francis's rebuilding of the Church of S. Damiano with the conversion of Clare. See Jacques Dalarun, *Francis of Assisi and the Feminine* (St. Bonaventure, NY: The Franciscan Institute, 2006), 196–198. Dalarun's analysis becomes more attractive if one also notes that the author of *The Legend of Clare* did not insert this pericope into his text, even as he highlighted other connections between Francis and Clare revolving around the Church of San Damiano such as Francis's repairs on the church, his experience of God's direction given to him from the San Damiano cross at the start of his conversion, Clare's settlement at San Damiano, and the founding of the Order of Poor Ladies in this church. *Legenda S. Clarae Assisiensis* 10.

The *Legend of Saint Clare*, hereafter *LCl*, was commissioned by Pope Alexander IV. The author of the *Legend* states that he obtained his information for the *Legend* from Clare's process of canonization and from oral interviews that he personally conducted.

In her essay: "San Damiano nel 1228 Contributo alla *questione clariana*," *Collectanea Franciscana* 67 (1997): 470–476, Maria Pia Alberzoni suggests that the above vignette properly fits into the context of Gregory IX and Clare's argument regarding the retention of privilege of poverty for S. Damiano after the death of Francis. For a development of Alberzoni's argument, see also Marco Guida, "La pericope clariano-damianita di *Vita Beati Francis* VIII, 18–20: Un'aggiunta all'opera di Tommaso da Celano?" *Collectanea Franciscana* 77 (2007): 5–26.

in the late twelfth and early thirteenth centuries needed women who lived in monasteries as recluses in order to provide them with nourishment, medicine, and rest. The Franciscan sources provide evidence that Francis depended on Clare in this manner. At one time, Francis sent a certain Brother Stephen who was suffering from mental illness to Clare. After Clare made the sign of the cross over Stephen and permitted him to take a nap in her usual place of prayer, Stephen returned to Francis free from his illness.⁷ When Francis was suffering from an excruciatingly painful eye disease, he stayed at San Damiano for more than fifty days.⁸ Since women in the gospels cared for Jesus and his disciples, as well as the early apostles, the incorporation of women as caretakers was even argued to be a more perfect form of religious life than one that was segregated.⁹

Clare's Original Vision

Clare of Assisi was, of course, the first woman to be converted by the preaching of Francis to a penitential monastic lifestyle. At the very center of the Form of Life written for her monastery, Clare described how she was converted to the Franciscan manner life:

After the Most High Father of the heavens saw fit by his grace to enlighten my heart to do penance according to the example and teaching of our most blessed father, Saint Francis, shortly after his own conversion, I, together with my sisters, willingly promised him obedience.¹⁰

⁷ *LCl*, 32.

⁸ *Compilatio Assisiensis* 83.

⁹ See, for example, the same need for women as caregivers in the Humiliati movement, Frances Andrews, *The Early Humiliati* (Cambridge: Cambridge University Press, 1991), 150–152. Dominic and his brothers used Prouille for a few years as a home base for their mission to the heretics. See Herbert Grundmann, *Religious Movements in the Middle Ages* (Notre Dame: University of Notre Dame Press, 1995), 93. The spirituality of the 13th century woman's movement was complex, but the notion of Gospel complementarity between men and women was certainly an aspect of this spiritual phenomena. For further discussion of this point see Joan Mueller, *The Privilege of Poverty: Clare of Assisi, Agnes of Prague, and the Struggle for a Franciscan Rule for Women* (University Park, PA: The Pennsylvania State University Press, 2006), 12–16. See also John Freed, "Urban Development and the 'Cura Monialium' in Thirteenth-Century Germany," *Viator* 3 (1972): 311–327.

¹⁰ *Regula S. Clarae Assisiensis* 6: Postquam altissimus Pater caelestis per gratiam suam cor meum dignatus est illustrare, ut exemplo et doctrina beatissimi patris nostri sancti Francisci poenitentiam facerem, paulo post conversionem ipsius, una cum sororibus meis obedientiam voluntarie sibi promisi. Hereafter RCL. Although Clare's Form of Life is an

The “obedience” Clare speaks of was an act of religious faith expressing the confidence that Clare had in Francis’s interpretation of the gospel and the way of life he had chosen. Clare joined the Franciscan movement six years after Francis began rebuilding of the Church of San Damiano. Although Clare is clear that it was God who enlightened her heart to do penance after the example and teaching of Francis, she gives no further details regarding her conversion. For these, it is necessary to move to the text of Clare’s canonization process.

An invaluable historical source for the early Franciscan movement, Clare’s process of canonization consists of eyewitness testimony given under oath to a papal commission appointed by Pope Innocent IV. In his October 18, 1253, papal bull, *Gloriosus Deus*, Innocent entrusted the task of examining Clare’s life, conversion, way of life in the monastery, and miracles to the bishop of Spoleto.¹¹ With Francis’s friends, Brothers Leo and Angelo at his side, the Franciscan chaplain of the San Damiano monastery, episcopal assistants, and a notary, the bishop of Spoleto journeyed to San Damiano to question fifteen of Clare’s sisters. He also entered Assisi to gather testimony from five lay witnesses concerning Clare’s early life.¹²

amalgamation of texts, the 6th chapter is autobiographical and certainly reflects the voice of Clare. For a commentary and analysis on Clare’s Form of Life see the three-volume work of the Federazione S. Chiara di Assisi delle Clarisse di Umbria-Sardegna, *Chiara di Assisi e le sue fonti legislative: Sinossi cromatica* (Padua: Edizioni Messaggero, 2003), *Chiara di Assisi: Una vita prende forma—Iter storico* (Padua: Edizioni Messaggero, 2005), and *Il Vangelo come forma di vita: In ascolto di Chiara nella sua reola* (Padua: Edizioni Messaggero, 2007). See also, Joan Mueller, “Clare’s *Forma Vitae*: Unique Contributions” in *A Companion to Clare of Assisi: Life, Writings, and Spirituality* (Leiden: Brill, 2010), 209–257.

¹¹ Marco Bartoli analyzes Clare’s process of canonization according to these perspectives in “Chiara d’Assisi: Donna del secolo XIII,” in *Chiara d’Assisi e il movimento clariano in Puglia*, ed. Pasquale Corsi and Ferdinando Maggiore, 15–32 (Cassano delle Murge: Messaggi, 1996); and also in, “Il processo di canonizzazione come fonte per la ricostruzione del profilo storico di Chiara d’Assisi,” in *Dialoghi con Chiara di Assisi*, ed. Luigi Giacometti, 53–66 (Assisi: Edizioni Porziuncola, 1996).

¹² On Clare’s process of canonization, hereafter abbreviated as *Process*, see Zefferino Lazzeri, “Il processo di canonizzazione di Santa Chiara d’Assisi,” *AfH* 13 (1920): 434–435; Giovanni Boccali, *Santa Chiara d’Assisi sotto processo: Lettura storico-teologica degli atti di canonizzazione* (S. Maria degli Angeli, Assisi: Porziuncola, 2003); Fernando Uribe, *Introduzione alle fonti agiografiche di san Francesco e santa Chiara d’Assisi* [sec. XIII–XIV] (Assisi: Edizioni Porziuncola, 2002), 470–482, and Joan Mueller, “The Monastery of S. Damiano,” in *A Companion to Clare of Assisi: Life, Writings, and Spirituality* (Leiden: Brill, 2010), 35–64. Clare’s canonization process has come down to us not in Latin but in Umbrian. This Umbrian text is found in Enrico Menestò and Stefano Brufani, eds., *Fontes*

When offering her testimony for Clare's canonization process, Clare's blood-sister, Beatrice, stated that it was Francis who had sought out Clare because of her reputation for holiness even as a young woman in her home. Beatrice—who had joined her sister, Clare, in the Monastery of San Damiano—testified that it was Francis who tonsured Clare before the altar of the Church of Santa Maria degli Angeli and eventually moved her to the Church of San Damiano.¹³ After Clare proved herself by courageously enduring the contempt and poverty of Francis's form of life, he accepted her promise of obedience.

What was the original agreement between Francis and Clare? Wanting to preserve it for posterity, Clare inserted Francis's initial promise to her at the very center of her Form of Life:

Because by divine inspiration, you have made yourselves daughters and handmaids of the Most High King, the Father of the heavens, and have espoused yourselves to the Holy Spirit choosing to live according to the perfection of the holy gospel, I resolve and promise for myself and my brothers always to have the same attentive care and special solicitude for you as for them.¹⁴

With this promise, Francis accepted Clare and her sisters into his movement of brothers along with the responsibility for their spiritual and physical nourishment. In her Form of Life, Clare assured her readers: "As long as he lived, he diligently fulfilled this promise, and he wanted his brothers always to do the same."¹⁵ The model Clare and Francis used for this arrangement was, in their minds, a biblical one.¹⁶ Francis went out preaching, but when sick or in need of care, returned to Clare and her sisters for nourishment and healing. As Jesus and Paul were cared for by pious women, so Francis and his brothers would receive the same

Franciscani (S. Maria degli Angeli, Assisi: Edizioni Porziuncola, 1995), 2455–507. It was first published in English in Nesta de Robeck, *St. Clare of Assisi* (Milwaukee: The Bruce Publishing Company, 1951), 179–230.

¹³ *Process* 12:1–5.

¹⁴ RCl 6:3–4. Quia divina inspiratione fecistis vos filias et ancillas altissimi summi Regis, Patris caelestis, et Spiritui Sancto vos desponsastis eligendo vivere secundum perfectionem sancti Evangelii, volo et promitto per me et fratres meos semper habere de vobis tanquam de ipsis curam diligentem et sollicitudinem specialem. For an English translation of Clare's Rule, see Joan Mueller, "Clare's *Forma Vitae*," in *A Companion to Clare of Assisi: Life, Writings, and Spirituality* (Leiden: Brill, 2010), 275–285.

¹⁵ RCl 6:5. Quod dum vixit diligenter implevit, et a fratribus voluit semper implendum.

¹⁶ See Jean François Godet-Calogeras, "Evangelical Radicalism in the Writings of Francis and Clare of Assisi," *Franciscan Studies* 64 (2006): 103–121.

support. In return, they were to provide spiritual and physical care to the sisters. In this set-up, genders were not equal, but each was essential to the practical support of the gospel mission. The men could not sustain their preaching without the women; and the women could not sustain their religious lifestyle without the men. Moreover, as we have seen, this complementarity was understood as being a more perfect form of religious living than secluded monasteries of lone celibates.

Perhaps equally instructive of Clare's early vision is her description of exactly the kind of poverty the early sisters embraced. Although often projected to be a commentary on Clare's experience of having her beloved "privilege of poverty" repeatedly threatened throughout her life, Clare, from the very beginning of her conversion, wanted to live both personal and institutional poverty.

Just as I, together with my sisters, have always been solicitous to safeguard the holy poverty that we promised to the Lord God and Blessed Francis, so also, the abbesses who succeed me in office and all the sisters are bound to observe it inviolably until the end. This means that they are not to receive or acquire possessions or property by themselves or through an intermediary. Nor are they to have anything else that could reasonably be called property, except as much land as necessity requires for the integrity and seclusion of the monastery. This land should not be cultivated, however, except for a garden for their needs.¹⁷

This early vision that Francis and Clare had of committing themselves to personal and institutional poverty depended upon biblical mutuality. As long as the Franciscan brothers treasured institutional poverty, Clare's vision remained viable. When the brothers, under papal guidance/pressure, developed models of poverty that better protected their economic institutional interests, their need of the women's shelters became obsolete, and Franciscan women became burdens rather than partners in the Gospel mission.¹⁸

¹⁷ RCI 6:10–15. Et sicut ego semper sollicita fui una cum sororibus meis sanctam paupertatem quam domino Deo et beato Francisco promissimus custodire, sic teneantur abbatissae quae in officio mihi succedent et omnes sorores usque in finem inviolabiliter observare, videlicet in non recipiendo vel habendo possessionem vel proprietatem per se neque per interpositam personam, seu etiam aliquid quod rationabiliter proprietatis dici possit, nisi quantum terrae pro honestate et remotione monasterii necessitas requirit; et illa terra non laboretur, nisi pro horto ad necessitatem ipsarum.

¹⁸ Concerning the institutionalization of the friars see Théophile Desbonnets, *De l'intuition à l'institution: Les Franciscains* (Paris: Éditions Franciscaines, 1983). In English as *From Intuition to Institution: The Franciscans*, trans. Paul Duggan and Jerry Du Charmé (Chicago, IL: Franciscan Herald Press, 1983).

Clare's Vision Challenged

Reacting to the burgeoning varieties of religious life flowing from the charismatic piety of the late twelfth century, conservative, canonical voices wished to reestablish order.¹⁹ Countering the more liberal policies of Innocent III toward religious life, canon thirteen of the 1215 Fourth Lateran Council insisted that monasteries of religious accept a canonically approved rule.²⁰ Pope Honorius III asked the able canonist, Cardinal Ugolino Conti di Segni,²¹ to oversee the implementation of the Lateran mandate. Since a properly legislated monastery requires both a rule and constitutions that specify how a particular monastery will live in accordance with an ancient rule, Ugolino wrote what he felt were appropriate constitutions for women's monasteries that were not in compliance with the Lateran mandate. These he paired with the Rule of Saint Benedict. Fully appreciating the experimental nature of this new legislation as well as the angst sisters of various monasteries might experience in having a new form of life imposed upon them, Ugolino encouraged the sisters to apply for any exemptions that they might require. Initially, at least, Ugolino was seeking canonical conformity rather than conformity of discipline. Monasteries of women not under an official rule were formally to accept the Rule of Saint Benedict along with the Ugolinian constitutions.²² In return for their compliance, Ugolino offered the sisters

¹⁹ Edith Pásztor, "I papi del Duecento e Trecento di fronte alla vita religiosa femminile," in *Il movimento religioso femminile in Umbria nei secoli XIII–XIV: Atti del Convegno internazionale di studio nell'ambito delle celebrazioni per l'VIII centenario della nascita di S. Francesco d'Assisi held in Città di Castello 27–29 ottobre 1982*, ed. Roberto Rusconi, 31–65 (Florence: La Nuova Italia, 1984).

²⁰ Canon 13: "Ne nimia religionum diversitas gravem in ecclesia Dei confusionem inducat, firmiter prohibemus, ne quis de caetero novam religionem inveniat, sed quicumque voluerit ad religionem converti, unam de approbatis assumat. Similiter qui voluerit religiosam domum fundare de novo, regulam et institutionem accipiat de religionibus approbatis." See Norman Tanner, ed., *Decrees of the Ecumenical Councils*, vol. I: *Nicaea I to Lateran V* (Washington, D.C.: Georgetown University Press, 1990), 230–271. For commentary on the canons specific to religious life, see Michele Maccarrone, "Le costituzioni dell'IV Concilio Lateranense sui religiosi," in *Nuovi studi su Innocenzo III*, ed. Roberto Lambertini (Rome: Istituto storico italiano per il Medio Evo, 1995), 1–45.

²¹ Concerning Cardinal Ugolino see Werner Maleczek, *Papst und Kardinalskolleg von 1191 bis 1216: Die Kardinäle unter Coelestin III. und Innocenz III* (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1984), 126–133; and Diane Joan Moczar, "From Hugolino Conti to Gregory IX: The Making of a Medieval Pope" (DAEd diss., George Mason University, 1990).

²² See Kaspar Elm, "Vita regularis sine regula: Significato, collocazione giuridica e autocoscienza dello stato semireligioso nel medioevo," in *Regulae, consuetudines, statuta:*

welcomed freedom from visitation by their local bishop and from all but perfunctory diocesan tithes.²³

While the Franciscan brothers had received oral approval from Pope Innocent III and their rule was a work in progress—not receiving official approval until 1223—Clare’s monastery fell under Ugolino’s mandate and its status was, therefore, canonically precarious. Stemming from the agreement that she had made with Francis, Clare had always envisioned herself as an integral part of the Franciscan movement that she and Francis had imagined as mirroring gospel complementarity. Among church officials, however, this mutuality with its validation of the feminine contribution to ecclesial organization was perceived as dangerous and unsustainable. In Genesis, the oft-cited *erste-text*, the dangers inherent in pure men having a close association with women were ominous. Women, in their original sinfulness as descendants of Eve, were to be prohibited from association with religious men who were always vulnerable to feminine wiles. In addition, “kept women” were known to be expensive and the adequate endowment of women’s monasteries so that they could be self-sustaining rather than dependent upon the resources of male religious was Ugolino’s ultimate goal. Clare specifically addresses this as an issue in her *Form of Life*:

When the blessed father saw that we did not fear poverty, labor, trial, disregard, and the contempt of the world, but instead regarded such things as great delights, moved by compassion, he wrote a form of life for us.²⁴

When confirming her religious desire to follow Christ in the Church of Santa Maria degli Angeli, Francis apparently trusted that Clare would live as a penitential woman. Further discernment, however, was needed to know whether or not she could be accepted as a feminine partner within his Franciscan movement. This secondary consideration was not

Studi sulle fonti normative degli ordini religiosi nei secoli centrali del medioevo, ed. Cristina Andenna and Gert Melville, 407–421 (Münster: Lit Verlag 2005).

²³ Concerning Ugolino’s legislation see Cristina Andenna, “Dalla religio pauperum dominarum de valle Spoliti all’ordo Sancti Damiani,” in *Die Bettelorden im Aufbau: Beiträge zu Institutionalisierungsprozessen im mittelalterlichen Religiosentum*, ed. Gert Melville and Jörg Oberste, 429–492 (Münster: Lit Verlag, 1999); Isaac Vázquez, “La forma vitae Hugoliniana para las Clarisas en una bula desconocida de 1245,” *Antonianum* 52 (1977): 94–125; and Joan Mueller, *The Privilege of Poverty: Clare of Assisi, Agnes of Prague, and the Struggle for a Franciscan Rule for Women* (University Park, PA: The Pennsylvania State University Press, 2006), 18–52.

²⁴ RCL 6:2. Attendens autem beatus pater quod nullam paupertatem, laborem, tribulationem, vilitatem et contemptum saeculi timeremus, immo pro magnis deliciis habemus, pietate motus scripsit nobis formam vivendi.

confirmed at the time of Clare's tonsure in the Church of Santa Maria degli Angeli, but rather, later after Clare had accepted other women and had begun to lead them. Clare's form of life given her by Francis was the symbol and bond of this tested and discerned mutuality—a mutuality that Clare had earned through persistence, fidelity, and leadership.

While Clare never expected to be a “kept Franciscan woman,” skeptical canonists feared that radical impulses that they perceived as typical of women inspired by various poverty movements and other religious fervor needed to be tempered in favor of a more sustainable discipline. Ugolino's assignment was to serve these women both as an able canonist and as a compassionate pastor cajoling them to conform and assuring them that their individual needs and charismatic peculiarities would be respected.

The chronicler Jordan of Giano provides clear evidence of Ugolino's work. While Francis was in Syria, according to Jordan, a certain Brother Stephen, without permission from his superiors, left Assisi in search of Francis. Stephen reported, among other problems, that Brother Philip had sought letters from the Apostolic See in regard to the Poor Ladies.²⁵ The letters referred to are most likely the missives sent by Ugolino to various monasteries of women in July of 1219.²⁶ In these letters, Ugolino placed the sisters under the Rule of Saint Benedict, and freed them from the authority of the local bishop and from the payment of diocesan tithes. In return, the sisters received the privilege of protection from the Apostolic See.

There is one monastery whose 1219 papal missive differs from the rest. Francis had sent Clare's blood sister, Agnes of Assisi, to Saint Mary of the Holy Sepulcher at Monticello in the diocese of Florence. A letter sent on December 9, 1219, from the Apostolic See states that this monastery was to follow the Rule of Saint Benedict.²⁷ However, the papacy makes it clear that they considered valid the observance of a “rule” that the sisters voluntarily imposed upon themselves according to the Order of

²⁵ Jordan of Giano *Chronica fratris Jordani*, ed. H. Boehmer, (Paris: Collection d'études et de documents sur l'histoire religieuse et littéraire du Moyen Âge, 1908), 13. For an English translation see Placid Hermann, ed., *XIIIth Century Chronicles* (Chicago: Franciscan Herald Press, 1961). Concerning Jordan's *Chronicle* within the context of the “Franciscan Question,” see Jacques Dalarun, *Francis of Assisi and Power* (St. Bonaventure, NY: The Franciscan Institute, 2007), 102–116.

²⁶ These letters can be found in Joannis Sbaraleae, *Bullarium Franciscanum* (hereafter BF), (Santa Maria degli Angeli: Editioni Porziuncola, 1983), 10–11; 11–13; and 13–15.

²⁷ BF I:3–5.

the Ladies of Saint Mary of San Damiano in Assisi. Although there is no record of a similar letter sent to San Damiano, it is clear that the Monastery of Holy Sepulcher was permitted to continue to follow a “rule” used at San Damiano that Ugolino recognized as valid—although a traditional Rule still needed to be accepted that connected both Holy Sepulcher and San Damiano intimately with the Friars Minor. The Friars Minor, in 1219, did not themselves possess an official Rule, so the sisters were given the time-tested Rule of Saint Benedict.

After the brothers obtained papal approval for their Franciscan Rule in 1223, Cardinal Ugolino appointed some of the brethren as papal agents commissioned to found monasteries that were to be placed under the Ugolinian constitutions.²⁸ Thus, two types of monasteries for women under the pastoral care of the Friars Minor were developing simultaneously: 1) those few monasteries following the statutes of the Monastery of San Damiano in Assisi; 2) those more numerous and growing numbers of monasteries following the Ugolinian constitutions.²⁹

Clare after the Death of Francis

After the death of Francis and his subsequent canonization, Clare’s original vision of being a Franciscan among her Franciscan brothers would increasingly be challenged by Ugolino’s (now Pope Gregory IX) juridical agenda. On February 25, 1229, Gregory IX approved Celano’s *Life of Saint Francis* as the official *vita* of the new saint and promulgated the text.³⁰ As pope, Gregory furthered the canonical master plan of uniting the disparate communities of women living in small monasteries without a written rule under constitutions that he had written. He imagined Clare of Assisi to be a leader in this movement, and wanted to use Celano’s

²⁸ For the case of the Franciscan, Brother Bartholo, who set up such a monastery in Faenza, see Francesco Lanzoni, “Le antiche carte del convento di S. Chiara in Faenza,” *Archivum Franciscanum Historicum* 5 (1912): 270–271.

²⁹ Concerning legislative distinctions between these monasteries, see Luigi Pellegrini, “Female Religious Experience,” in *Monks and Nuns, Saints and Outcasts*, 112–113; also Luigi Pellegrini, “Le *pauperes dominae* nel contesto dei movimenti religiosi femminili italiani del secolo XIII,” in *Chiara e il secondo ordine: Il fenomeno francescano femminile nel Salento*, ed. Giancarlo Andenna and Benedetto Vetere, 71–84 (Galatina: Congedo Editore, 1997).

³⁰ To study Celano’s *First Life of Saint Francis*, hereafter referred to as 1C, within the context of the “Franciscan Question,” see Jacques Dalarun, Introduction to *Les Vies de Saint François d’Assise* (Paris: Éditions Franciscaines—Éditions du Cerf, 2009), 20–32.

account of the popular new saint's relationship with Clare to promote this juridical goal. To this end, in the midst of his acclamation of the recently deceased and canonized Francis, Celano's *Vita* prematurely acclaimed the living Clare as Francis's feminine equal in holiness calling her "the most precious and strongest stone of the entire structure," and "the foundation for all the other stones."³¹

Noble by lineage, but more noble by grace,
Chaste in body, most chaste in mind,
Young in age, mature in spirit,
Steadfast in purpose, fervently ardent in her desire for divine love,
Endowed with wisdom, excelling in humility,
Clare/bright in name, more brilliant in life, most brilliant in character.
A noble structure of precious pearls arose above her,
Whose praise comes not from human beings but from God,
Since profound reflection is not sufficient to fathom her,
Our brief discourse cannot describe her.³²

With the papal authorization of Celano's *Vita* and its premature exposition of her virtues, Clare was under great pressure. Any overt protest concerning papal interference in the affairs of the San Damiano monastery, in light of Celano's papally-commissioned *Vita*, could prove to be awkward and potentially scandalous. Clare, from the beginning, had envisioned herself as a follower of Francis. While she valued poverty and the mutuality between Franciscan brothers and sisters, Gregory desired juridical order. Both held valid, spiritual perspectives, and although the two agendas were not necessarily mutually exclusive, substantial tensions were certain to develop between Gregory IX's desire for canonical conformity and Clare's insistence on retaining her distinctive charismatic relationship with the Friars Minor.³³ Clare's position became even more precarious after the canonical approval of the friars' Rule of 1223, since the Friars Minor themselves had separated themselves from the beginning agreements that had once held the early brothers together in favor of

³¹ 1C 18:5: lapis pretiosissimus atque fortissimus caeterorum superpositorum lapidum exstitit fundamentum.

³² 1C 18–19: Nobilis parentela sed nobilior gratia; virgo carne, mente castissima; aetate iuencula sed animo cana; constans proposito et in divino amore ardentissima desiderio; sapientia praedita et humilitate praecipua: Clara nomine, vita clarior, clarissima moribus. Super hanc quoque pretiosissimarum margaritarum nobilis structura surrexit, quarum laus non ex hominibus sed ex Deo est, cum nec angusta meditatio eam cogitare sufficiat, nec brevis locutio explicare.

³³ Maria Pia Alberzoni, "San Damiano nel 1228: Contributo alla 'questione Clariana,'" *Collectanea Franciscana* 67 (1997): 459–476.

canonical legislation whose text had been guided by the canonical skills of Gregory IX himself. Gregory was, therefore, simply asking Clare to do what the Franciscan brothers, under the leadership of Francis himself, had already done.

To separate women from dependence on their male counterparts, Gregory IX became more proactive in procuring substantial endowments for female monasteries under papal authority. He transferred many ecclesial properties to monasteries of women living under the Ugolinian constitutions and even provided endowments to various monasteries out of his personal resources.³⁴ In this way, Ugolinian nuns, although always needing spiritual assistance, could depend upon endowments for their temporal needs and would not be a burden to their dioceses, the universal church, or to the Franciscan brothers.

While he was in Assisi for the 1228 canonization of Saint Francis, Gregory IX went to San Damiano to attempt to convince Clare of the necessity of accepting such a monastic endowment. Clare's reaction to Gregory's suggestions made an impression on the sisters living in San Damiano, and a number of them described the encounter during Clare's process of canonization. The first witness, Sister Pacifica, stated:

She (Clare) particularly loved poverty, but could never be persuaded to desire anything for herself, or to receive any possession for herself or the monastery. Asked how she knew this, she replied that she saw and heard that the Lord Pope Gregory of happy memory wanted to give her many things and buy possessions for the monastery but she would never consent.³⁵

Sister Benvenuta of Perugia said that Clare "had a great love of poverty. Neither Pope Gregory or the Bishop of Ostia could ever make her consent to receive any possessions."³⁶ Sister Filippa stated that Clare:

Could never be persuaded by the pope or the bishop of Ostia to receive any possessions. Since she feared she might lose it, the "privilege of poverty" granted to her was honored with great reverence and kept well and with great diligence.³⁷

³⁴ *BF* I:81–82; 82–83; 84.

³⁵ *Process* 1:13: Ancho disse che particolarmente amava la povertà, però che mai podde essere inducta che volesse alcuna cosa propria, né ricevere possessione, né per lei, né per lo monasterio. Adomandata como sapesse questo, respose che epsa vidde et udi che la sancta memoria de mesere Gregorio papa li volse dare molte cose et comparare le possessione per lo monasterio, ma epsa non volse mai aconsentire.

³⁶ *Process* 2:22: né papa Gregorio, né lo Vescovo Hostiense, poddero mai fare che epsa fusse contenta de ricevere alcune possessione.

³⁷ *Process* 3:14: Et mai non podde essere inducta né dal Papa, né dal Vescovo Hostiensi

Seeing that Clare was unwilling to budge regarding what she regarded as the essence of her Franciscan vocation, Gregory and Clare negotiated a compromise.³⁸ In return for Clare's acceptance of the Rule of Saint Benedict and his Ugolinian constitutions, Gregory granted her "the privilege of poverty."³⁹ This privilege guaranteed that Clare and her sisters would not be forced to accept property as a monastic endowment.⁴⁰ Obviously annoyed, "the privilege of poverty" was accompanied by a letter from Gregory admonishing Clare to "forget the past and strive toward the future."⁴¹ Clare's old-fashioned notion of an evangelical religious life needed to be informed by evolving juridical order.

Annoyance aside, Gregory's compromise was a papal victory. He now not only could claim Clare as the feminine leader of his juridical efforts, but could also declare that he, rather than Francis was the founder of the Ugolinian movement that now included Clare and the famous Monastery of San Damiano. Gregory celebrated this incorporation of Clare by sending a circular letter to all the monasteries in his Ugolinian *ordo*. At the top of his list of addressees he placed the Monastery of San Damiano in Assisi.⁴² The heroine of Celano's *Life of Saint Francis* was now officially a member of the Order of Saint Benedict and the Ugolinian union.

che recevesse possessione alcuna. Et lo Privilegio de la povertà, lo quale li era stato concesso, lo honorava con molta reverentia, et guardavalo bene et con diligentia, temendo de non lo perdere.

³⁸ See Marco Bartoli, "Gregorio IX, Chiara d'Assisi e le prime dispute all'interno del movimento francescano," in *Rendiconti della Accademia nazionale dei Lincei. Classe di Scienze morali, storiche e filologiche* 35 (1980): 97–108; and Maria Pia Alberzoni, *Chiara e il papato* (Milan: Edizioni Biblioteca Franciscana, 1995), 52–63.

³⁹ BF I:771.

⁴⁰ While Clare asked Gregory for the privilege "to have no possessions whatsoever," Gregory's response promised that Clare and her sisters would not "be compelled by anyone to receive possessions." For a history of Clare's privilege of poverty see Joan Mueller, *The Privilege of Poverty: Clare of Assisi, Agnes of Prague, and the Struggle for a Franciscan Rule for Women* (University Park, PA: The Pennsylvania State University Press, 2006).

⁴¹ BF I:37: posteriorum oblitae semper ad anteriora vos.

⁴² Ignacio Omaechevarria, *Escritos de Santa Clara: Y documentos contemporaneos* (Madrid: Biblioteca de autores cristianos, 1970), 299–302.

Sisters and Brothers Together

Even more devastating to the biblical mutuality Clare and Francis had envisioned was the 1230 bull *Quo elongati*.⁴³ The famous document that mitigated the poverty of the friars in order to accommodate their growing clerical duties, threatened further the mutuality that existed between early friars and sisters. Since all Franciscan monasteries of women were now under the papal Ugolinian constitutions, Franciscan superiors were no longer free, *Quo elongati* asserted, to permit the friars to enter these monasteries. Permission to enter the enclosure of the nuns could be granted only by the Apostolic See.⁴⁴

It is difficult to imagine the full effect that *Quo elongati* had on the sisters, but *The Legend of Saint Clare*⁴⁵ outlines Clare's response. Concerned particularly that her sisters would be deprived of Franciscan preaching, Clare sent away all the brothers serving her monastery, saying: "Let him now take away from us all the brothers since he has taken away those who provide us with the food that is vital."⁴⁶ The *Legend* reports that when Gregory IX heard this he "immediately mitigated the prohibition into the hands of the minister general."⁴⁷ Although Clare eventually forced Gregory's hand with these tactics, it was obvious that the pope thought that her evangelical vision was impractical and outdated.⁴⁸

Meanwhile, across the Alps in Bohemia, the Přemyslid princess, Agnes of Prague,⁴⁹ became convinced of Clare's interpretation of Franciscan

⁴³ BF I:68–70.

⁴⁴ See Herbert Grundmann, "Die Bulle 'Quo elongati' Papst Gregors IX" *Archivum Franciscanum Historicum* 54 (1961): 20–25.

⁴⁵ Written in the 1250's when there was certain pressure to separate the brothers and the sisters, this statement in the *Legend* that Clare forced the papal hand goes contrary to the politics of the day and signals, in addition to the overall care the author of the *Legend* has given to historical details, a high probability of historical veracity.

⁴⁶ LCI 37: Omnes nobis auferat de cetero Fratres, postquam vitalis nutrimenti nobis abstulit praebitores.

⁴⁷ Ibid: Quod cum audiret Papa Gregorius statim prohibitum illud in generalis Ministri manibus relaxavit.

⁴⁸ See Maria Pia Alberzoni, "Nequaquam a Christi sequela in perpetuum absolvi desiderio: Chiara tra carisma e istituzione," in *Chiara d'Assisi e la memoria di Francesco*, ed. Alfonso Marini and Maria Beatrice Mistretta, 41–65 (Città di Castello: Petrucci, 1995); and Alberzoni, "Chiara e San Damiano tra ordine minoritico e curia papale," in *Clara Claris Praeclara: L'esperienza cristiana e la memoria di Chiara d'Assisi in occasione del 750° anniversario della morte*, 27–70 (Assisi: Edizioni Porziuncola, 2004).

⁴⁹ Concerning the life of Agnes of Prague see, Christian-Frederik Felskau, "Agnes von Böhmen und die Klosteranlage der Klarissen und Franziskaner," in *Prag. Leben und Institution, Legende und Verehrung* (Nordhausen: Bautz Verlag, 2008); Jaroslav Polc,

poverty and, with great difficulty, obtained for her monastery the “privilege of poverty” from Gregory IX on April 15, 1238.⁵⁰ Imitating the early Franciscan vision, Agnes forged a relationship between the brothers and sisters of Prague and built a friary for Franciscan brothers attached to the south wall of the sisters’ convent. Friars who are mentioned in various royal and monastic documents give evidence of a group of Czech, German and Italian brothers in service of Agnes’s monastery.⁵¹ In Agnes’s royal monastery, the Franciscan brothers who cared for the spiritual and temporal needs of the sisters, were provided with needed womanly arts as well as access to the ear and resources of the royal family.

While the women of the monasteries of San Damiano and Prague tried to retain the mutuality promised to Clare by Francis, other forces worked against this mutuality. Salimbene de Adam, a crotchety friar whose facts seem “generally trustworthy and reliable,”⁵² writes of rancorous relationships between Franciscan brothers and sisters. Around the year 1229, the abbess of the monastery in Gattaiola retaliated after Brother Jacob of the Friars Minor in Lucca attempted to remove her from office. To protect her position, the abbess lavished gifts on those in town who had daughters in the convent and spread the rumor that Brother Jacob tried to depose her because she would not allow the friars to fornicate with the sisters. Eventually, the abbess was removed from office and peace returned to Lucca.⁵³

Agnes von Böhmen 1211–1282: Königstochter—Äbtissin—Heilige (Munich: R. Oldenbourg Verlag, 1989); Alfonso Marini, *Agnese di Boemia* (Rome: Istituto storico dei Cappuccini, 1991); Alfonso Marini, “*Pauperem Christum, virgo pauper, amplectere*: Il punto su Chiara ed Agnese di Boemia,” in *Chiara e la diffusione delle Clarisse nel secolo XIII*, ed. Giancarlo Andenna and Benedetto Vetere, 121–132 (Galatina: Congedo, 1998); Jaroslav Nemec, *Agnese di Boemia: La vita, il culto, la ‘legenda’* (Padua: Edizioni Messaggero, 1987); Kasper Elm, “Agnese da Praga e Chiara d’Assisi: Na Františku e San Damiano,” in *Alla sequela di Francesco d’Assisi: Contributi di storia francescana*, 203–228. (Assisi: Edizioni Porziuncola, 2004); Peter Demetz, *Prague in Black and Gold: Scenes from the Life of a European City* (New York: Hill and Wang, 1997): 48–52; Petr Pitha, “Agnes of Prague—A New Bohemian Saint,” *FranzStud* 72 (1990): 325–340; and Poor Clare Colettine Community, *Aneska: Princess of the House of Premysl* (Hawarden: Tŷ Mam Duw, 1996); and Joan Mueller, *The Privilege of Poverty* (University Park, PA: The Pennsylvania State University Press, 2006), 53–128.

⁵⁰ *BF* I:236–237. For the history of Agnes’s struggle to obtain the privilege of poverty, see Joan Mueller, *The Privilege of Poverty: Clare of Assisi, Agnes of Prague, and the Struggle for a Franciscan Rule for Women* (University Park, PA: The Pennsylvania State University Press, 2006), 73–88.

⁵¹ Helena Soukupová, *Anežský klášter v Praze*. (Praha: Odeon, 1989), 107.

⁵² Joseph L. Baird, introduction to Salimbene da Parma, *The Chronicle of Salimbene de Adam*, (Binghamton, NY: Medieval and Renaissance Texts and Studies, 1986), x.

⁵³ Salimbene, *The Chronicle*, 45.

This sort of episode inflamed the sexism already prevalent in a society too willing to cite the transgression of Eve. Salimbene breaks into poetry describing attitudes embraced by a growing number of friars:

Woman to define?
That will take but two lines:
A poison sweet, a fetid rose, a stinking treat,
A creature always prone to what she's supposed to leave alone.

And again:

Woman is flinty stone, a thistle, a burr clinging,
Filthy water, sticky pitch, a hornet stinging.
Three fine things there are: wisdom, honor, worldly fame,
And all three women mar, completely destroy, bring to shame.⁵⁴

Even more interesting is the report in the thirteenth-century chronicle of the English friar, Thomas of Eccleston, stating the precipitating reason why Elias was excommunicated.⁵⁵ According to Eccleston, Elias, without the permission and against the general prohibition of the minister general, visited the monasteries of the Poor Ladies. Since Gregory IX had already, at Clare's insistence, given the privilege of assigning this duty to the minister general rather than to the papacy, disobedience in this discipline was a grave matter. It is because of this, Thomas writes that "he seems to have incurred the sentence of excommunication decreed by the pope."⁵⁶ When Albert of Pisa, the minister general, sought to reprimand Elias for this behavior, Elias took refuge in the territory of Frederick II and was excommunicated with the excommunicated emperor.⁵⁷ Although Elias is vilified in the sources for his relationship with Frederick II, Thomas of Eccleston claims that the precipitating cause of Elias's excommunication was his persistence in pursuing the complementarity of the early Franciscan movement. Surely, in his moment of need, Elias—an early brother—would find it natural to seek comfort and support from

⁵⁴ Salimbene, *The Chronicle*, 119.

⁵⁵ Thomas of Eccleston, *Tractatus fr. Thomae vulgo dicti de Eccleston de adventu fratrum minorum in Angliam*, 6th ed. A.G. Little, (Paris: Collection d'études et de documents sur l'histoire religieuse et littéraire du Moyen Âge, 1909). In English see *The Chronicle of Brother Thomas of Eccleston* in Placid Hermann, *XIIIth Century Chronicles* (Chicago: Franciscan Herald Press, 1961), 156. Concerning *The Chronicle of Brother Thomas of Eccleston* as a historical source, see Jacques Dalarun, *Francis of Assisi and Power* (St. Bonaventure, NY: The Franciscan Institute, 2007), 116–122.

⁵⁶ *Eccleston*, 156.

⁵⁷ *Eccleston*, 156–157.

the Poor Ladies. In the 1240s, this mutuality was no longer tolerated, not even in a former minister general.⁵⁸

It was in this increasingly misogynistic climate that Clare of Assisi and Agnes of Prague sought to keep alive their biblical vision of men and women working together, each with their distinct roles, in promoting the gospel message. Although there were some successes, the women of the Franciscan Order were progressively being pushed to the margins, even as the friars became more and more essential to the papal mission.

Clare's Form of Life

The first record we have of the process of developing a Rule specific to Franciscan women is a 1238 letter addressed to Agnes of Prague from Pope Gregory IX.⁵⁹ Gregory states that Agnes sent a letter to him through the prior of the Hospital of Saint Francis in Prague. In this letter Agnes, according to the pope, asked Gregory to confirm with apostolic authority a Rule that was a combination of the original form of life that Francis had given to Clare and the Ugolinian Rule. Agnes was obviously attempting a compromise.

After having given Agnes the “privilege of poverty” and thus distinguishing the Prague monastery from other Ugolinian foundations, Gregory was perturbed by Agnes’s request. He admonished Agnes to obey papal edicts, and reminded her that he, unlike her, had been present with the Franciscans in the early days of the Order and had personally known Saint Francis. The form of life that Francis had originally given to Clare was “infant formula” and certainly not meant to nourish the spiritually mature.⁶⁰ It was Gregory who had worked to provide the sisters with mature canonical legislation, and it was in Agnes’s best interest to

⁵⁸ The reasons for the excommunication of Elias are complex and debated by scholars. Only Eccleston documents Elias’s behavior toward the Poor Ladies—an action that did carry the threat of excommunication. While Elias’s entering the monastery of the Poor Ladies was certainly not the sole reason for his excommunication, it certainly did not help his cause in an Order where many were bent on destroying his credibility. On Elias see Giulia Barone, *Da frate Elia agli Spirituali* (Milan: Edizioni Biblioteca Francescana, 1999), and Rosalind Brooke, *Early Franciscan Government* (Cambridge: Cambridge University Press, 1959).

⁵⁹ BF I:241–242.

⁶⁰ BF I:242–244: Ipsis Beatus Franciscus, quibus tamquam modo genitis non cibum solidum, sed qui videbat competere, potum lactis formulam vitae tradidit.

live the Rule of Saint Benedict that she had been given. In a jurist's eyes, Agnes was canonically Benedictine, not Franciscan.

By Easter of 1241, however, Gregory's political struggles against Frederick II became acute, and the papal legate, Albert of Bohemia, urged the papacy to negotiate an alliance with the Bohemian king through his sister, Agnes.⁶¹ Using Gregory's crisis to her advantage, Agnes aided the papal cause, but, in the process, negotiated concessions to accommodate her primitive vision of complementarity between friars and sisters. On May 31, 1241, Gregory suddenly mitigated his entrenched attitude, allowing the friars access to the monasteries of the Order of Saint Damian in case of fire, theft, maintenance, the pastoral needs of the sick, and burials for the sisters.⁶²

Gregory IX died in August 1241, leaving Agnes to deal with the larger question of a Franciscan rule for women with his successor. Requesting that Pope Innocent IV accept her as his spiritual daughter, Agnes hoped to position herself to move the cause of a Franciscan Rule forward. Her hopes were immediately dampened, however, when Innocent IV parroted Gregory IX's canonical arguments and demanded Agnes's silent obedience.⁶³ Innocent, however, had not been a personal acquaintance of Saint Francis, and other Ugolinian sisters, besides Agnes, were not willing to follow him blindly. In the late 1240s, monasteries, especially north of the Alps, were being founded based on the ideals of the "privilege of poverty."⁶⁴ As the Franciscan brothers became more and more involved in the temporal affairs of building convents and churches and in promoting papal political action against Frederick II,⁶⁵ many sisters were choosing the primitive vision of living absolute poverty. Simultaneously, the affective gulf between the sisters and brothers was progressively widening. Beyond the ordinary stresses between the genders, such as those recorded by Salimbene, the duties of the pastoral care of the sisters were a constant irritant. In addition to the duty of visitation, if the friars were responsible for the temporal as well as the spiritual care of women's monasteries, it

⁶¹ Concerning this episode see, John Freed, *The Friars and German Society in the Thirteenth Century* (Cambridge, MA: Mediaeval Academy of America, 1977), 148–149; and Thomas Van Cleve, *The Emperor Frederick II of Hohenstaufen "Immutator Mundi"* (Oxford: Clarendon Press, 1972), 435–436.

⁶² BF I:295.

⁶³ BF I:315–317.

⁶⁴ BF I:369–371; 380–381; 384–385; and 386–387.

⁶⁵ See Leonardo Pisanu, *Innocenzo IV e i francescani 1243–1254* (Rome: Edizioni Franciscane, 1968), 37–41.

would take at least four brothers to fulfill this task per monastery.⁶⁶ With the growing numbers of Ugolinian monasteries, the Franciscan brothers vehemently opposed committing themselves to mutual relationships with these sisters.

Even as Agnes sought and obtained further permissions to allow the friars greater access to Ugolinian monasteries to care for the practical and pastoral needs of the sisters, the resistance of the Franciscan brothers themselves to the sister's temporal and pastoral care became more vehement. When Thomas of Celano wrote his second biography of Francis,⁶⁷ he omitted the flowery language describing Clare in his original *Life* and inserted instead an apologetic for the separation of the brothers and sisters—a command that he put into the mouth of Francis himself! He offers example after example of otherwise pastorally-minded friars who were severely reprimanded by Francis when they assumed to care for the needs of the sisters.⁶⁸

By the late 1240's the relationship between the brothers and sisters was at an impasse. Pope Innocent IV, after attempting a solution of his own that was rejected by both the friars and the sisters,⁶⁹ dumped the legislative mess into the hands of his cardinal legate, Rainaldo of Ostia. Working with Clare and her sisters, and no doubt relying on the work that Agnes of Prague had already proposed, Rainaldo submitted a Rule that would recognize female Franciscan life without possessions in law. With this Rule approved, the sisters would need to negotiate directly with the friars concerning the care of their temporal and spiritual needs. The papal approval of Clare's Rule was delivered to the Monastery of San Damiano on August 10, 1253.⁷⁰ Sister Filippa testified that even though Clare was very close to death she pressed the letter's seal to her lips and kissed it. Having struggled to pass on the Franciscan heritage of poverty and mutuality to her sisters, Clare died peacefully the following day.⁷¹

Even with a signed document from the papal curia, the proof of the eventual success of Clare and Agnes's dream would be in the pudding.

⁶⁶ Two for begging and two for pastoral care. See *The Rule of Clare* 12:5–7.

⁶⁷ Hereafter 2C. For this work within the context of the “Franciscan Question,” see Jacques Dalarun, Introduction to *Les Vies de Saint François d'Assise* (Paris: Éditions Franciscaines—Éditions du Cerf, 2009), 44–63.

⁶⁸ 2C 155–157.

⁶⁹ BF I:476–483.

⁷⁰ BF I:671.

⁷¹ *Process* 3:32.

Within weeks of Clare's death, Agnes's brother, King Wenceslas also died leaving her ambitious nephew, Přemysl Otakar II, on the Bohemian throne. His son, Wenceslas II, was only seven years old when Otakar was brutally killed on the battlefield. With the resulting political disarray came famine and illness. Agnes herself would be a victim, dying on March 2, 1282. Even through the political chaos, Agnes remained firm in the defense of her "privilege of poverty."⁷²

The Prague friars also remained true to their commitment to the sisters of Agnes's monastery even after Otakar II's death. *The Legend of Saint Agnes of Prague* tells the story of a time when the sisters experienced great need and asked a brother to try to obtain some bread for the sisters. Agnes is recorded to have received her last communion in the presence of her sisters and the Friars Minor. After her death, the Friar Minors said daily Mass in the choir where Agnes's body lay, and it was a Friar Minor who presided over her funeral mass and buried her.⁷³

Even after Agnes's death, the legacy of the sisters and brothers living in mutual relationship in Prague continued. In the fourteenth century, the Friar Minor Bartholomew of Pisa remarked that "up until today in the city of Prague where the mentioned Agnes was a sister, those sisters, although from nobility and numerous have no property and no income but live from alms that are begged by the brothers for them."⁷⁴

Female Mendicancy Failed—The Generalate of Bonaventure

After the death of Clare, relationships between the friars and sisters continued to be worked out in local contexts under the supervision a common cardinal protector. When Pope Urban IV took the papal throne, he upset this arrangement at Bonaventure's urging by assigning Cardinal John Caetano Orsini as the cardinal protector of the Friars Minor and Cardinal Stephen of Hungary as the protector of the Order of Saint Damian.⁷⁵ The separation of these roles evoked scandalous conflict. The

⁷² Jaroslav Polc, *Agnes von Böhmen, 1211–1282: Königstochter—Äbtissin—Heilige* (Munich: R. Oldenbourg Verlag, 1989), 132–141.

⁷³ Jan Kapistrán Vyskočil, *Legenda blahoslavené Anežky a čtyři listy sv. Kláry* (Prague: Nakladatelství Universum, 1932), 99–149.

⁷⁴ *Analecta Franciscana* IV:358.

⁷⁵ Zepherinus Lazzeri, "Documenta controversiam inter Fratres Minores et Clarissas spectantia (1262–1297)," *Archivum Franciscanum Historicum* 3 (1910): 664–679.

sisters insisted that the friars were under obligation to provide for their needs, while the friars resolutely maintained that their services to the nuns were voluntary.⁷⁶

With the friars having one cardinal protector and the sisters another, the friars found themselves free to withdraw services from some monasteries. Naturally the sisters complained to their cardinal protector, claiming that the friars were obliged to provide them with services.

The Franciscan minister general, Bonaventure of Bagnoregio, sided against the sisters and negotiated a settlement. He decreed that if the sisters wanted services from the brothers, they were obliged to sign a document stating that the friars were “under no obligation whatsoever to us, to the monastery, or to persons living there, to perform services for the monastery.”⁷⁷ If the sisters accepted the services of the friars by signing the requisite document, they gave up their right to complain if these services were not rendered. The services, moreover, specifically listed by Bonaventure were minimal and did not include the temporal duties so painstakingly outlined by Agnes and Clare as begging for the sisters, protecting them from fire and thieves, digging graves, etc. In Bonaventure’s proposal, the role of the friars was solely ecclesial: to hear confessions, give communion, anoint the sick, perform funeral rites, preach (only twelve times a year), and to administrate visitation. The services the friars were providing were “a special favor” and in no way obligatory.⁷⁸ With the signing of the Bonaventurian document the sisters became officially a pastoral burden that the friars accepted out of the goodness of their hearts. Gospel mutuality was officially replaced by mandated silence disciplined by the ever-present threat of abandonment.

In this evolving legislative climate, Clare’s Form of Life that placed poverty and mutuality between brothers and sisters at its very center, obviously needed to be replaced. On October 18, 1263, Pope Urban IV promulgated his own Rule for the “Order of Saint Clare” with the blessing of Bonaventure.⁷⁹ This Rule no longer required the Franciscan brothers

⁷⁶ Concerning this conflict, see Lezlie Knox, *Creating Clare of Assisi: Female Franciscan Identities in Later Medieval Italy* (Leiden: Brill, 2008), 70–77.

⁷⁷ For an English translation of Bonaventure’s entire letter, see Dominic Monti, *Works of Saint Bonaventure: Writings Concerning the Franciscan Order* (St. Bonaventure, NY: The Franciscan Institute, 1994), 192–196.

⁷⁸ Ibid.

⁷⁹ BF II, 509–521. For a commentary on the Urbanist Rule see Giulia Barone, “La regola di Urbano IV,” in *Clara Claris Praeclara: L’esperienza cristiana e la memoria di Chiara d’Assisi in occasione del 750° anniversario della morte*, 71–82 (Assisi: Edizioni Porziuncola, 2004).

to care for the needs of the sisters. Any relationship, hereafter, would be, as Bonaventure had insisted, voluntary. In local contexts such as in the royal monastery in Prague, however, social pressure from the royal and noble relatives of the sisters did not permit this freedom to be as complete as it appeared on paper.

The women of the Damianite movement did not submit to this discriminatory arrangement without a struggle. Refusal to profess Urban's Rule was widespread.⁸⁰ Pope Clement IV, Urban's successor, threatened that the sisters in Umbria would lose their cardinal protector, be expelled from the Franciscan Order, and be deprived of pastoral care if they refused to profess Urban's Rule.⁸¹ No longer were the sisters fighting for the "privilege of poverty," in the 1260s they were hoping only to retain some semblance of bond with the friars and to maintain their Franciscan identity.

One might argue that relationships between sisters and friars remained essentially the same during and after this controversy. Clare's claim that Francis had promised her mutuality within his movement had always stood on tenuous ground. Francis's promise for San Damiano was never intended to include the future reality of the Ugolinian Order. If the "privilege of poverty" was not part of an individual monastery's heritage, the necessity of having Franciscan friars could validly be questioned. It must also be admitted that under Ugolinian legislation, the charismatic link of many monasteries to the Franciscan friars was more a matter of legislative convenience than fact. It is no wonder that accepting the responsibility for such a diverse group of women's monasteries overwhelmed the resources and inherent generosity of the friars.

Even with these caveats, there is little doubt that Clare's vision of living in poverty in mutuality with brothers who depended on her as she depended on them was too radical a vision for the increasingly clericalized brothers. While Clare's dream of living without property has persisted in reform movements throughout the ages, her hope of living this poverty in evangelical relations with her brothers would require mutual agreement. The friars, although affirming the need for the sisters'

⁸⁰ For an account of the Urbanist Rule and its reception see Giancarlo Andenna, "Urbano IV e l'ordine delle Clarisse" in *Convegno di studi in occasione dell'VIII centenario della nascita di santa Chiara*, Giancarlo Andenna, and Benedetto Vetere. *Chiara e la diffusione delle clarisse nel secolo XIII atti del Convegno di studi in occasione dell'VIII centenario della nascita di santa Chiara: Manduria, 14-15 dicembre 1994*, 195-218. (Galatina: Congedo, 1998).

⁸¹ BF III: 62-68; 82.

prayer, never again depended, as the early brothers had, on the sisters to care for their physical needs. While Ugolinian cloister endured, Clare and Francis's mendicant vision of true, evangelical complementarity between brothers and sisters remains still, a dream unfulfilled.

SECTION II

THE DEVELOPMENT AND ARTICULATION OF MENDICANT IDEALS

CHAPTER FOUR

MENDICANCY AMONG THE EARLY SAINTS OF THE BEGGING ORDERS

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As Dominic of Caleruega lay dying in Bologna, surrounded by his faithful friars, he offered to them all that he had in life.¹ “These are the things which I leave you in rightful possession, as my sons and heirs: have charity, keep humility, possess voluntary poverty!”² The unanimous testimony of the early writers of the Dominican tradition gives witness to how deeply the founder loved poverty, though for Dominic, as for his followers, poverty remained a means to a end, a way to live out humility and detachment while focusing on the primary aim of the order: the salvation of souls.³ In the various lives of Dominic, stories of poverty (or the sole instance of his begging) are intended to present facets of the holiness of the founder, not to try to establish a pattern for imitation. Indeed the hagiographers among the Preachers, as a whole, deprecated the centrality of either begging or poverty in the lives of their saints. Dominic’s *vitae*, and those of the saintly members of his order, are far different from those of St. Francis, who made poverty and begging such a centerpiece of his mendicant programme. One would expect the Franciscans to do

¹ On the lack of an historical basis for the identification of Dominic with the Guzmán family see: Anthony Lappin, “On the Family and Early Years of Saint Dominic of Caleruega” *Archivum Fratrum Praedicatorum* 67 (1997): 5–26.

² Pedro Ferrandi, “Legenda Petri Ferrandi,” in *Monumenta Historica sancti Patris nostri*, *Monumenta Ordinis Fratrum Praedicatorum Historica* 16 (Rome: 1935), 248–249. Later repeated in Jacobus de Voragine, *The Golden Legend*, trans. Granger Ryan and Helmut Ripperger, (New York: Arno, 1969), 426, afterwards *GL* (There is a newer translation of *GL* by Christopher Stace (London: Penguin, 1998), but it includes only selections of the whole text). Both Ferrandus and the *GL* end with an imprecation against those who would introduce wealth into the order. As John Van Engen points out, this speech was first revealed in Ferrandus in 1239, and is not in earlier sources, however the *vita* of Ferrandi is the first formal life of Dominic. See his “Dominic and the Brothers: *Vitae* as Life-forming *exempla* in the Order of Preachers” in *Christ Among the Medieval Dominicans*, eds., Kent Emery, Jr. and Joseph Wawrykow (Notre Dame, IN: 1999), 12.

³ There is a large consensus on this point, both among Dominican and non-Dominican historians, even though the Founder’s relationship to poverty has remained a very contentious point, see R.F. Bennett’s summary of the debate in his *The Early Dominicans*, (Cambridge: 1937), 31–51, as well as William Hinnebusch’s *The History of the Dominican Order*, (New York: Alba House, 1966), vol. 1, 147–155.

quite the opposite, foregrounding Mendicancy as a key component in the achievement of a specifically Franciscan sanctity; but the evidence tells a different tale. Poverty became the prerogative of Francis himself (though Clare presents an interesting case—as Joan Mueller has convincingly shown).⁴ For Francis' biographers and the later hagiographers of the order mendicancy became a personal privilege and a mark of exceptionalism (as opposed to exemplarity), for the later Minorite saints manifest their commitments to poverty—and, rarely, begging—in very different ways. I will argue that Mendicancy and poverty became malleable terms in the arsenal of the hagiographers, employed for very specific ends—ends whose apertures grew more and more focused and limited as time went on.

"Mendicancy" is a term universally and reflexively employed by historians, but also by early friars and their critics.⁵ In the early sources however, a definition of the term is absent. Most obviously it refers to the Latin *mendicare* which means "to go about begging." More specifically it indicates the members of the majority of orders founded in the thirteenth century under the protection of the Holy See, notably the Franciscans and Dominicans, but also the Augustinians, Carmelites, Trinitarians, and extinct orders including, the Pied and Sack Friars.⁶ This term obliquely points to the absolute communal poverty professed by their members, particularly in the early history of these foundations. This poverty was distinct from the individual poverty of the ancient monastic orders, for it encompassed even corporate poverty, whereby the whole order was in theory indigent and incapable of the possession of any property as a community.⁷ The ramifications of this position were many: no permanent convents, no storage rooms or granaries, no keeping of foodstuffs, no permanency, but rather constant itinerant interaction with the urban populations of the central middle ages, preaching and deriving support

⁴ See her, *The Privilege of Poverty: Clare of Assisi, Agnes of Prague, and the Struggle for a Franciscan Rule for Women* (University Park, PA: Penn State University Press, 2006), as well as her chapter in the present work.

⁵ Though as Augustine Thompson, Andrew Traver, and I argue, "mendicant" did not acquire much purchase in this regard until the period after 1250.

⁶ For the other "Mendicant" orders see: Frances Andrews, *The Other Friars: The Carmelite, Augustinian, Sack and Pied Friars in the Middle Ages* (Woodbridge, UK: Boydell, 2006). For the Servites, not always included in "mendicant" listings, through related to them by their foundation, see Franco Andrea dal Pino, *I frati Servi di S. Maria dalle origini all'approvazione (1233 ca.—1304)* (Louvain, 1972).

⁷ A good introduction to this shift is Lester K. Little, *Religious Poverty and the Profit Economy* (Ithaca, NY: Cornell University Press, 1978), 59–96, 146–170.

from the generous alms of the people. At least, that was the ideal. The question that I will ask in this chapter is whether the developing orders considered this “mendicancy” to be an indispensable ingredient to holiness when confronted by examples of their own saintly brethren. I will explore how mendicancy, narrowly understood to include things such as begging and the quest for alms, formed an increasingly attenuated part of the Dominicans’ and Franciscans’ understanding of their saints. In addition, I will look to see how the orders deployed mendicancy, more broadly understood under the rubric of poverty and humility, in their hagiography.

The analysis of hagiographical texts that has burgeoned over the last 40 years has been fraught with interpretive difficulties. Once one has analyzed the surface problems of historicity in various works about saints, one is immediately confronted with problems of audience, reception, and purpose.⁸ It is issues like these that are useful in the context of this present work. In hagiographical writings about mendicant saints, one sees Franciscan and Dominican authors actively thinking about their own positions and orders in relation to the broader questions of Christian holiness, not to mention their thoughts on the correspondence of their saintly brethren to the broader stream of sainthood in the Church. This self-reflection has much to tell us about the developments of the orders in their formative periods, as well as about the various directions of sainthood in the thirteenth century.

One of the chief problems that arises in such a study is the question of whether these stories were intended to fall on the side of *admiratio*—the presentation of a saint as an unrepeatable product of divine grace and as a powerful miraculous intercessor, or *imitatio*—the exposition of a holy individual as a model for others to emulate.⁹ The twelfth and thirteenth centuries were a key period in the transition from the older

⁸ This modern critical study begins with Hippolyte Delehaye, *The Legends of the Saints* (New York: Fordham University Press, 1962; translation of the 1905 original). This has been supplemented by a treasury of brilliant considerations on hagiography from numerous perspectives, from Peter Brown’s *The Cult of the Saints: Its Rise and Function in Latin Christianity* (Chicago: University of Chicago Press, 1981), to André Vauchez, *Sainthood in the Later Middle Ages*, trans. Jean Birrell (Cambridge: Cambridge University Press, 1997), and Caroline Walker Bynum, *Holy Feast and Holy Fast: The Religious Significance of Food to Medieval Women* (Berkeley, CA: University of California Press, 1987), to name just a few.

⁹ For an excellent introduction to hagiography and its audience and purposes see, Thomas J. Heffernan, *Sacred Biography* (Oxford: Oxford University Press, 1988), especially chapters 1 & 2.

admiratio model to the newer form of *imitatio*. Texts from that period begin to straddle a middle ground between the two, and one can often interpret them either way. There are several binaries that operate along the dividing line between the two. First, is the saint a follower or an imitator of Christ? The *sequela Christi* is one thing, a model from the earliest days of Christianity, whereby one became conformed to the exemplar through grace, and especially through martyrdom.¹⁰ *Imitatio* was something else, only recently had imitation of the Apostles gained traction; formal imitation of Christ would have to wait for *Devotio Moderna* to become explicit. It is clear that Francis' later biographers begin to move in the direction of a conformity of Francis to Christ, an idea that would have seemed vaguely blasphemous to earlier generations. Second, if the saint is an imitator of Christ, does that mean that the writer is calling the reader to be an imitator of the saint? In this case we have crossed into the *imitatio* model that becomes normative for saint's lives and devotional literature much later, especially by the fifteenth century. Finally, we have the relation between life and miracles.¹¹ Perhaps it is the miracle stories that retain the older *admiratio* line while the life becomes increasingly about *imitatio*. Formerly the two had worked in tandem to promote *admiratio*, and so it might be artificial to separate them. It may be that the canonical inquisitions into sainthood—which were making just that separation in the mid-1200s—contributed to a growing dichotomy between the two, and opened up a new door to *imitatio*. It remains to be seen how these concepts were operative in mendicant sacred biographies.

The radical abandonment of all things and the attempt to follow Jesus as closely as possible by selling all one had to pursue perfection was most evident in the biographies of Francis of Assisi and, to a lesser extent, in his contemporary, Dominic of Caleruega. Even so, what is easy for saints is less so for their followers, and the hard teaching of corporate poverty became endangered and compromised—or refined and reworked, depending on one's view—by the necessity of providing

¹⁰ I offer a tentative opinion here, which needs to be refined through further research, that the emphasis on the imitation of Christ and on the imitation of saints was a transition from an Augustinian (and later, Thomistic) view of saints as unrepeatable products of Divine grace, and towards the late medieval tendency to semi-Pelagianism, “facienti quod est in se.”

¹¹ Heffernan notes that another approach would be “praxeis” or the chronological life, vs. “ethos” which is the systematic analysis of character and virtue, Heffernan, *Sacred Biography*, 31. I think that these become collapsed into one in Christian sacred biography, and so do not form as useful a dichotomy in this case. In hagiography, history and considerations of saintliness become intertwined to an exceptional extent.

a structure of support for the thousands of men and women who joined these orders during the next several decades.¹² The difficulties inherent in the profession of corporate poverty quickly became apparent as a result of many phenomena: increasing numbers, the need for education and bases from which to preach, the overwhelming generosity of the lay faithful, and the sheer popularity of the orders. For Dominic and his followers this presented little problem; for him poverty (and begging) had always been a means to an end. For Francis, and particularly for some of his disciples, poverty was the *sine qua non* of holiness. Over the next one-hundred years the meaning of mendicancy would be rehearsed and reshaped to meet the needs of rapidly changing situations and challenges. The term would be used as an insult against the members of the orders by some, and it became a badge of honor to others. Eventually the term itself became useless as a descriptor for the complex interactions that occurred at this time, as many of the chapters in this book demonstrate. One method of examining this mutation is the consideration of the hagiography produced by the orders concerning their new saints. This chapter will analyze the various ways that “mendicancy”—and related notions such as poverty, the “poor,” and almsgiving—are employed in saints’ tales that the orders’ hagiographers wrote in the first century following the foundations. These are stories they told about their own saintly brethren. These narratives then offer a window through which to view the complex and shifting definitions of the word “mendicant,” seen through the eyes of the men who were attempting to live under that title.

Francis—The Exception, Not the Rule

Francis’ attitude towards money is very clear from his own writings, particularly the *Regula non Bullata* of 1221—the rule not approved by the pope, though some Spiritual Franciscans later embraced it as a pattern of life.

¹² For discussions surrounding the history of these developments, see: Malcolm D. Lambert, *Franciscan Poverty: The Doctrine of Absolute Poverty of Christ and the Apostles in the Franciscan Order, 1210–1323* (St. Bonaventure, N.Y.: Franciscan Institute, St. Bonaventure University, 1998), David Burr, *The Spiritual Franciscans* (University Park, PA: Penn State University Press, 2001), and, for the Friars Preachers, Bennett, *The Early Dominicans*, 31–51, as well as Hinnebusch, *The History of the Dominican Order*, vol. 1, 147–155.

If by any chance, which God forbid, it happens that some brother is collecting or holding coin or money . . . let all the brothers consider him a deceptive brother, an apostate, a thief, a robber, and as the one who held the money bag, unless he has sincerely repented.

Let them not be ashamed [to beg alms], and remember, moreover, that our Lord Jesus Christ . . . was not ashamed. He was poor and a stranger and lived on alms—He, the Blessed Virgin, and His disciples.¹³

This animosity towards money is a characteristic of Francis, and shines through very clearly in his writings. What we are concerned about here is not Francis' own attitudes—which were the subject of much protracted debate in the order, as David Burr has clearly shown—but the posture of Francis towards begging and poverty displayed in the hagiography.¹⁴ As we will see, the attitudes of the order's hagiographers evolved in respect to their views of poverty and mendicancy. Francis' presumed attitudes were always accorded a high value by Minorite authors, though more and more these authors began to attribute such values solely to Francis himself. When it came to depicting the sanctity of later holy Franciscans a broader view became necessary, since the categories provided by the language of mendicancy, at least in the lives of Francis, later proved too narrow.

Many scholars have worked and studied the "Francis problem" and have offered insights on how the significance of the founder's life gradually unfolded in the thought of the order's writers.¹⁵ Since Paul Sabatier's efforts in the late 19th century, many scholars have dedicated themselves to finding the Francis of history, to contextualizing the saint apart from the predilections of his hagiographers—though this, like related projects,

¹³ Francis, *Regula non Bullata* (1221), c. 8–9. cf. *Francis of Assisi: The Saint*, ed. Regis Armstrong, (New York: New City Press, 1999), 70. Afterwards FAS.

¹⁴ See, Burr, *Spiritual Franciscans*.

¹⁵ A bio-bibliographical study on Francis would require volumes, see the bibliography offered in Omer Englebert, *Saint Francis of Assisi: A Biography* (Chicago: Franciscan Herald Press, 1965), 495–604, and that only covers sources up to the date of publication. Marion Habig also has a useful bibliography in *St. Francis of Assisi: Omnibus of Sources* (Chicago: Franciscan Herald Press, 1973), 1676–1760 (Hereafter *Omnibus*). A more recent and a very useful overview can be found in Eamon Duffy, "Finding St. Francis: Early Images, Early Lives," *Medieval Theology and the Natural Body*, ed. Peter Biller and A.J. Minnis. York Studies in Medieval Theology 1 (York: York Medieval Press, 1997), 193–236. Perhaps the most comprehensive is the *Bibliographica Franciscana* published by the Istituto Storico dei fr. minori cappuccini, starting in 1930 and continuing to the present day.

has always been problematic.¹⁶ As Eamon Duffy rightly observes, “St. Francis of Assisi is at one and the same time the most attractive, the best known and the most carefully constructed of all the saints of Christendom.”¹⁷ It is precisely that construction that is of interest here. Although his hagiographers have certainly been the subjects of in-depth study, I do not think sufficient work exists that traces how the presentation of Francis looked when taken in relation to the stories told about other Franciscans, and indeed all mendicant saints. Such a comparison leads down interesting paths, especially when looked at through the motifs of poverty, begging, money, and lack of property.

The problem for the men who wrote about Francis, as indeed it remains for any hagiographer, was to define the character they wanted to present to their readers. Had Francis primarily been a charismatic preacher? A miracle worker? An apostle of poverty? If the latter, then was the Francis who became voluntarily poor and indigent to be exclusively marveled at or to some degree imitated? The question of imitation plagued the Franciscan order and became increasingly divisive as time wore on. Did one have to follow Francis in all things—with the covert (and sometimes overt) claim that in doing so one was following Christ himself? As mentioned above, this was a transitional period in hagiography, where writers stood on the edge of a delicate question: ought their subjects to be models for imitation, or were they merely objects to evoke wonder and devotion? Put another way, were the saints to be iconic exemplars to teach the faith, or were they to be living exhortations to moral conversion? The tide was shifting in favor of imitation. As Herbert Grundmann argues, the mendicants themselves were products of a new devotional ideal in the twelfth century: the imitation of the Apostles as wandering preachers.¹⁸ Though imitation was becoming a theme in stories about holy men and women, hagiography still embraced the wondrous and marvelous nature of the saint as a unique product of divine grace. After all, imitation could be dangerous, if not sacrilegious—one may note some of the Renaissance criticisms of the aggressive parallelization of Francis and Christ. It could be taken too far, producing an ecclesially and spiritually dangerous situation, as happened

¹⁶ For an overview of the “Francis Question” see Jacques Dalarun, *Les Vies de Saint François d’Assise* (Paris: Éditions Franciscaines—Éditions du Cerf, 2009), Introduction.

¹⁷ Duffy, 193.

¹⁸ Herbert Grundmann, *Religious Movements in the Middle Ages*, trans. Steven Rowan (Notre Dame: University of Notre Dame Press, 1995), 7–30, 55–58.

to the Franciscan order itself in the 100 years after its founder's death. Evoking wonder and devotion was a tried and true method; it was safe. Even if the writer decided to proceed under the aegis of *imitatio*, there were two directions that he could go. The first was more hallowed by tradition, which included pointing out the similarities between the exemplar (Christ) and the saint who followed him. This was no problem. The saint, a new creation of Christ, was portrayed as fulfilling, by grace, the belief that holiness was unitary.¹⁹ Obviously, a holy one would look in certain ways very much like *the* Holy One. The second approach, more innovative in the period under consideration, was holding the saint up as an example to be imitated, either to certain groups or to the entire church. These two approaches were distinct, and it took the second one a long time to develop. While a writer could (and since Sulpicius' *Life of Martin of Tours* did) demonstrate the correspondence between Christ and his saint, that in itself did not necessarily lead to a call for the reader to emulate the holy man or woman.²⁰ In this transitional period imitation was becoming attractive, and the hagiographers often walked a fine line in presenting their saints. All of these questions had to be negotiated in the sometimes delicate business of presenting Francis to the Church and, more specifically, to the Minorites.

The first document that purports to deal with these issues is the *Sacrum commercium*, authored by a follower of Francis shortly after the saint's death, sometime between 1227 and 1238.²¹ It is not a hagiographical biography proper, but rather is an allegory about the love of Francis for his Lady Poverty. Obviously the love of the early friars for indigence and penury comes through very clearly in this work. One could imagine the troubadour Francis delighting in its poetry and mystical language, while also sympathizing with the love of poverty displayed in it. That said, however, this is not a real *vita*. Though Francis was widely venerated as a saint, if one accepts the early dating for this text, his formal canonization would not come until a year after it was written. It is a paean to the

¹⁹ Heffernan, 7.

²⁰ In addition to Peter Brown's considerations mentioned above see, Clare Stancliffe, *Saint Martin and His Hagiographer* (Oxford: Oxford University Press, 1983).

²¹ *Omnibus*, 1531–1596. It does not appear to be Spiritual propaganda according to Habig. Armstrong and Stefano Brufani argue for a later date. They do this by ignoring the dating in one manuscript and pushing the subject back to the controversy over the Assisi Basilica and the election of Elias. I think this interpretation follows too much the reading-back of the spiritual controversy, exploded by Burr, and so I am inclined to go with the earlier dating, *FAS*, 522–554.

spirit of the early order, and not a real *vita* of Francis. While it lauds the poverty of the order, the work contains only one passage related to begging, in answer to the Lady Poverty's question regarding where the friars have kept their food.²² There is no theology of holiness around begging or alms being constructed here. Certainly the holiness depicted in *Sacrum commercium* results from the detachment of the friars and their connection with the poverty that has been the possession of all holy men, as presented in the broad history that comprises the first several books of the work. In the end it is still an allegory; a saintly biography would have to wait for the future.

Thomas of Celano authored the earliest hagiographical legend in 1228 (1 Celano), in the wake of Gregory IX's canonization of Francis.²³ While this work certainly had the purpose and intention of establishing a canonical biography of the saint, it was also written, like all hagiographical documents, to promote devotion to the new saint. While there is much in the *legenda* that is compelling, there is nothing that is utterly surprising. A conflicted young man comes to the realization that he is called to follow a life of radical poverty and begging, without any possessions. The mendicant orientation is crystal clear in this *vita*. The Francis Celano portrays accords with the common image of a "Mendicant." Possessions are rejected in successive stages, finally leading to a definitive break that sees Francis renouncing all property. Money is seen as the root of evil. There does not seem to be any particular diagnosis of, or prescription for, the burgeoning order in the pages of this first formal sacred biography. Francis was, like all saints, an extraordinary follower of Christ, and it was the job of Celano to establish the story as a basis for the growing devotion to Francis, under the watchful eyes of the elite of the Minorite order.

The next comprehensive hagiographical work written about Francis was the Legend of the Three Companions (L3C) written in the mid-1240s.²⁴ The fame of Francis and the popularity of his order, manifested

²² FAS, 552.

²³ A new translation and consideration of Thomas of Celano's works can be found in: *The Francis Trilogy: The Life of Saint Francis, the Remembrance of the Desire of a Soul, The Treatise on the Miracles of Saint Francis*, eds., Regis J. Armstrong, J.A. Wayne Hellmann, William J. Short (Hyde Park, NY, 2004).

²⁴ This dating is not definitive, as many have assigned a later date, but an important criterion in my view is that this was not employed by the Zealot party against the Conventuals, and so is more directly a hagiographical story than a partisan tool. See the discussion by Father Desbonnets in *Omnibus*, 864–880. Particularly salient in favor of an earlier date is the fact that the author uses only Julian of Speyer (early 1230s) and I Celano,

in the magnificent Basilica over the grave of the poor man of Assisi, had caused some unease among some members of the order.²⁵ This work presents a vivid figure, stark, unsettling, and sometimes even frightening in his behavior. Poverty and mendicancy are again the keynotes in this work; but now their presentation has a shrill edge. They are a threatening presence to the reader in this work, rather than a harmoniously woven theme as in 1 Celano. One can cite many troubling passages from this work, but their shocking nature only makes them more interesting, especially since it is remarkably free from hagiographical convention and makes use of far fewer *topoi* than other contemporary works. Though many stories from this work leap to mind, one is particularly apposite:

He was so changed by divine grace that, although he was still in secular attire, he yearned to be in another city where, as someone unknown, he would take off his clothes and, in exchange, put on the rags of a poor man. And he would try begging alms for the love of God.

At this time he happened to go to Rome on pilgrimage. As he was entering the Church of St. Peter, he noticed the meager offerings made by some, and said to himself: "Since the Prince of the Apostles should be greatly honored, why do they make such meager offerings in the church where his body rests?" With great enthusiasm, he took a handful of coins from his money pouch, and threw them through a grating in the altar, making such a loud noise that all the bystanders were astonished at his generosity.

As he was leaving and passed by the doors of the church, where there were many poor people begging alms, he secretly exchanged clothes with one of those poor people and put them on.

Standing on the steps of the church with the other poor, he begged for alms in French, because he would speak French spontaneously, although he did not do so correctly.²⁶

There is much in this rich and disturbing passage that is unique to L3C. This narrative contains all of the ideas we have come to expect from Francis: pilgrimage, love for the poor, attraction to alms, mendicancy, and the consummation of pilgrimage in conversion. This episode is remark-

and seems to have no knowledge of II Celano or Bonaventure. Armstrong's introduction to the L3C confirms Desbonnets' conclusions, see *Francis of Assisi: The Founder*, vol. 2, eds., Regis J. Armstrong, J.A. Wayne Hellmann, William J. Short (New York: New City Press, 2000), 62–66, hereafter *FAF*.

²⁵ Though, as David Burr has shown, there was much idealization of presumed primitive Franciscanism by the partisans of the zealot party over the course of the 13th and early 14th centuries, as well as much propaganda that purported to criticize the developing order of the 1230s and 1240s. See Burr, *Spiritual Franciscans*, 11–66.

²⁶ L3C, 3.10. *FAF*, 73. Also *Omnibus*, 898–899.

able because it occurs before Francis' final conversion to absolute poverty. In this passage Francis is depicted "acting out" as modern parents often say. The exposition of mendicancy here appears unique, and one may infer, unrepeatable. One could even put a negative spin on the story. In the church Francis' righteous anger at inadequate offerings overcomes humility and he creates a—vaguely sacrilegious—scene. At the end of the story, he becomes a mendicant, but it seems more like a game to him, and he gratifies his vanity by begging in French, affecting a language he does not know well. He is doing things for obscure reasons and is depicted as being misunderstood (though one would question the charitable spin L3C puts on the reactions of the other pilgrims in Old St. Peter's!). Perhaps, since this was before his final conversion, Francis would mature as time goes on, but such a progression is not clear in L3C. The mendicancy and poverty depicted in L3C is charismatic, dynamic, situational, and unique to Francis.²⁷ Even if the intention of the compilers of this *vita* was to cast aspersions on an increasingly lax order, they unwittingly played into the pattern that the conventuals were establishing: marking off mendicant behavior as proper to Francis himself, fashioning him not into an exemplar, but rather as a non-repeatable wonder of God.

Here it may be useful to investigate the motives behind both saintly actor and hagiographer. Aviad Kleinberg has suggested that Francis consciously modeled his behavior as a pattern for imitation, as a guide to future Friars Minor. He asserts that Francis "lived his life as if it were an ethics lesson."²⁸ In light of passages like the above quotation from L3C, in addition to many other strange and troubling stories, this exaggerated idea of *imitatio* is not supportable. In order to address Kleinberg's provocative insights into western sanctity, one must first set aside

²⁷ Another example of Francis as a marginally unstable and threatening presence can be found in the so-called "Legend of Perugia" where Francis also acts in surprising and sometimes disturbing ways (e.g. the episode of the novice and the breviary). However since this work *was* employed by the Spirituals against the Conventuals, I have largely left it aside since it is difficult to separate polemics from hagiography.

²⁸ Aviad Kleinberg, *Flesh Made Word: Saints' Stories and the Western Imagination*, trans. Jane Marie Todd (Cambridge, MA: Belknap Press, 2008), 216. One may ask what qualifies as the difference between doing good and the example of doing good. For Kleinberg the first category seems not really to exist. This points again to the exaltation of power relations as the *sine qua non* of human action. At least Kleinberg is honest about his theoretical preconceptions. This book is his most complete statement, though his earlier works offer a multitude of interesting points, including Id., *Prophets in their Own Country: Living Saints and the Making of Sainthood in the Later Middle Ages* (Chicago: University of Chicago Press, 1992), and Id., "Proving Sanctity: Selection and Authentication of Saints in the Later Middle Ages," *Viator*, 20 (1989): 183–205.

the problems of actually accessing the historical Francis through these works. If one can assume historicity then it is appropriate to address his claims. As time goes on, it seems Francis' hagiographers push his actions more and more into the role of *admiranda* rather than *imitanda*. Far from making a pattern for imitation, it seems that Francis becomes an increasingly distant figure. To this must be added the problems with Kleinberg's presuppositions. He makes it clear to the reader that he thinks "power and domination are the keys that open every door."²⁹ Religion and saintly action are reduced to instruments of social control. This attitude paints him into a corner concerning his interpretation of events. This inclination cannot be positively ascribed to Francis or his hagiographers (unless one wants to include secondary and/or unconscious intentionality). Indeed if Francis had decided to rule his actions by their measured ability to induce conformity in the future he would have been guilty of an unpardonable vanity and pride, the antithesis of saintliness. If pushed, Kleinberg's analysis leads to the conclusion that Francis (and indeed all saints) are either liars, megalomaniacs, or lunatics. This leaves out the very real possibility of authentic pursuit of perceived good or holiness. This is what Francis and his biographers thought that they were doing, taking them at their word is not a bad place to begin.

It is clear, then, that mendicancy and the love of poverty shines forth from Francis' hagiography, whether it be in the outré L3C or the more conventional 1 Celano. Ordered to write a new *vita* in 1246, Thomas of Celano composed a revised version that shared L3C's sympathy for strict observance, while at the same time offering a domesticated version of the unruly Francis of the earlier work. This tamed version of Francis further toned down the language of imitation. Strangely, the call for stricter poverty was not matched by a call to imitate Francis, but rather to observe the rule he left.³⁰ When Bonaventure completed his *Legenda maior* in 1266, the transition from biography to hagiography was complete.³¹ Bonaventure injected a systematic mystical theology into the life of Francis, patterning his actions after the sufferings and passion of Christ.³² Imitation was not the issue anymore, but rather the presentation

²⁹ Ibid., 279.

³⁰ 2 Celano can be found in *FAF*, 233–393.

³¹ *Legenda maior* can be found in *FAF*, 525–683.

³² Indeed this aggressive parallelism was to culminate in Bartolomeo da Pisa's 1399 *De Conformitate vitae B. Francisci ad vitam domini Iesu*, *Analecta Franciscana* 4–5 (Rome, Quaracchi, 1906), which drew such close correlations between Francis and Christ that it was severely attacked during the Reformation.

of Francis as a figure to unite behind, especially in Bonaventure's siren call to embrace moderation in poverty and to avoid extremes of either austerity or laxity.³³ This version of Francis' life became the authorized version, displacing 1 & 2 Celano, as well as L3C. Poverty was still central to Franciscan identity, but it was restrained, whereas begging began increasingly to look like something that pertained only to Francis, and certainly not the elite of the expanding order.

Begging Saints? The Lives of Later Minorites

It is more instructive to look at the history of mendicancy and poverty in the later Franciscan saints, to see if these really were categories intrinsic to the realization of holiness in a specifically Minorite setting. The followers of the Poverello were master publicists, turning popularity and papal approbation to their advantage.³⁴ This included the promotion of members of their order as saintly paragons, with the ultimate end being formal papal canonization, which by the 1200s had become the preferred method for universal recognition of sainthood. In this endeavor they were wildly successful, achieving the canonization of Francis in 1228, of Anthony of Padua in 1233, of Elizabeth of Hungary (a tertiary) in 1235, and of Clare of Assisi in 1255.³⁵ Along with an array of lesser local saints, these figures helped to form the public image of Franciscan sanctity, so it is worthwhile to examine how the orders presented these individuals to the world.

Anthony of Padua presented the Franciscans with a far different persona than the founder.³⁶ In the *Vita prima* (known by its incipit,

³³ Kleinberg agrees with this development in later Franciscan hagiography, see his analysis in *Prophets in their Own Country*, 126–133, for an analysis that notes a move away from begging in practice, to the meaning behind begging.

³⁴ Witness the professional proliferation of the cults of early Franciscans, as opposed to the rather tepid cultic attention paid to St. Dominic by his own brethren. For this especially see Rosalind B. Brooke's work, esp. *The Image of St. Francis: Responses to Sainthood in the Thirteenth Century* (Cambridge: Cambridge University Press, 2006), 31–73, 102–157, 242–268.

³⁵ For Franciscan causes see Vauchez, *Sainthood*, 105–127. In addition to the four successful causes there were also several unsuccessful causes, as well as a plethora of local Minorite saints, *ibid.*, 207–219.

³⁶ An older, but useful study is: Raphael M. Huber, *Saint Anthony of Padua: Doctor of the Church Universal; A Critical Study of the Life, Sanctity, Learning, and Miracles of the Saint of Padua and Lisbon* (Milwaukee: Bruce, 1948).

"*Assidua*") we find little on poverty and absolutely nothing on mendicancy—the word does not even appear in the life.³⁷ The author presents the saint as animated not by the love of poverty, but by the heroic example of the Franciscan martyrs of Morocco.³⁸ After Anthony's conversion to the Minorite order, the focus of the entire piece is almost entirely on preaching, as well as his intellectual and anti-heretical work. This is a very different saint than Francis. The reader is almost at a loss to identify a common Franciscan theme between 1 Celano and *Assidua*. If anything, Francis and Anthony are one in the emphasis that is placed on their humility. Humility, a broad virtue that seems to include poverty, comes to be the common element used to characterize the Franciscan saints when considered collectively. Surprisingly, the first mention of poverty in the *vita* comes only after Anthony's death, where the "Poor Ladies" or the Franciscan sisters lament him,³⁹ and this is more of a title than a description (though at this period in the order's history, it would have been both). Much later, in chapter 27—the petition for canonization—one finds a brief clause maintaining Anthony's "profound poverty and simple humility," which reads very much like a verbal flourish.⁴⁰ Otherwise there is nothing on begging, on mendicancy, and no particular emphasis on poverty. *Assidua* cites Anthony's sanctity as a function of his preaching, his teaching, his peacemaking, and his anti-heretical efforts, all of which were unified by his humility—or the subordination of his talents to right reason, a scholastic definition that may or may not be related to *minoritas*.⁴¹ Mendicancy does not find a place in the story or identity of this first sainted follower of Francis. It was not a category through which to understand Anthony's sainthood.

The hagiography about the two first female Minorite saints exhibits a similar pattern. Because of their sex, female Franciscans could not engage in the quest. They could not go begging, and so the cloistered sisters had to wait for the brothers to bring them a share, or to accept donations offered at the monastery itself. Members of the third orders were in a similar situation. Since begging would have been socially impossible for women, they had to live out their Franciscan vocations

³⁷ *Vita prima di S. Antonio, o, Assidua*, ed. Vergilio Gamboso, (Padua: Edizioni Messagero, 1981), hereafter *Assidua*.

³⁸ *Assidua* 5.1.

³⁹ *Assidua* 17.8.

⁴⁰ *Assidua* 27.1, "altissima commendatur paupertas ac simplex humilitas honoratur."

⁴¹ One can see this in St. Thomas, in his article on humility in *Summa Theologiae* II-II, q. 161. a. 1.

in ways that eliminated the need for formal mendicancy. They, and their hagiographers, had to discover new and innovative ways in which to construe Franciscan virtues broadly, so as to include those who were prevented from making mendicancy an integral part of the narrative of their holiness.

Elizabeth of Hungary was the wife of the Landgrave of Thuringia and a Franciscan tertiary who was much put-upon by her brutal spiritual advisor Conrad of Marburg.⁴² Both the testimony for her canonization (1235) and the late life authored by Dietrich of Apolda (ca. 1290) contain the seeds of a new direction in Franciscan hagiography. Being a Landgravine, there could be no way that Elizabeth could experience material poverty in her own life, much less mendicancy. In the absence of such opportunities, how was one to live out a distinctly Franciscan vocation? The clerical authors had an answer. They reimagined the outline of saintly Franciscan life in such a way as to make Elizabeth an archetype of the perfect member of the Third Order.⁴³ They also made her into an unlikely anti-heretical saint.⁴⁴ Both of these are odd trajectories for an early Franciscan, given the presuppositions of many regarding the early order. It remains to be asked whether there is anything left of mendicancy or poverty.

In Elizabeth's hagiography, she uses her riches and influence to help beggars and the indigent. Prevented by her position from embracing the conventional Franciscan life, she makes a conscious choice to set the paradigm on its head. She is a rich Franciscan, but riches apparently do not corrupt her (*pace* Francis!), rather they become instruments of living out the Franciscan way of life in the form of almsgiving.⁴⁵ This reversal will become a common theme, especially in the posthumous miracles of Minorite saints, which evince a preference for the poor

⁴² A complete study of Elizabeth can be found in: *Sankt Elisabeth: Fürstin, Dienerin, Heilige: Aufsätze, Dokumentation, Katalog* (Sigmaringen: Thorbecke, 1981). See also, Gábor Klaniczay, *Holy Rulers and Blessed Princesses: Dynastic Cults in Medieval Central Europe*, (Cambridge: 2002), esp. 209–220. For a discussion of her hagiographical sources see, *ibid.*, 419–423. See also *Quellenstudien zur Geschichte der hl. Elisabeth*, ed. Albert Huyskens (Marburg: 1908), 1–109. For Dietrich's vita see: Monika Renner, *Die Vita der heiligen Elisabeth des Dietrich von Apolda* (Marburg: Elwert Verlag, 1993). Elizabeth, with Francis, is the only other Franciscan saint to make it into the *Golden Legend*. See *GL*, 675–698, though significantly Jacopo in no way identifies her with the Minorite order.

⁴³ Klaniczay, 421.

⁴⁴ See Dyan Elliott, *Proving Women: Female Spirituality and Inquisitional Culture in the Later Middle Ages* (Princeton, NJ: Princeton University Press, 2004), 85–118.

⁴⁵ There is one mention of her desire to embrace a life of begging, but Jacopo reports that Conrad forbade her. *GL*, 683.

and marginalized. Rich in blessings (and sometimes money) Franciscan saints had no need to tread the path of beggary. They became the ones who were the almoners—of money certainly, but primarily of grace. Sanctity in a Franciscan setting transposes itself from begging for one's own sustenance, to the protection of the poor and distribution of alms. Mendicancy was not seen as something that was intrinsic to the practice of Franciscan holiness, yet that very holiness demanded care of others who were mendicant and poor.

The case of Clare (d. 1253, canonized 1255) is unique since the primitive poverty of the early friars and sisters was especially dear to her.⁴⁶ The foundress of the Poor Ladies is in some ways a bridge to Francis. Clare's love of poverty comes through in her own writings although she was unable to preach and beg like the friars. This in itself did not terribly trouble her, since her ideal of mendicancy, as Joan Mueller has shown, was lived out in Gospel complementarity. The friars would preach, beg, and see to the nuns' spiritual needs, and the Poor Ladies would support the brethren by their prayers and the works of their hands. Our main hagiographical source for Clare is the *legenda* probably written by Thomas of Celano (certainly a cultic expert within the order by this time).⁴⁷ Once again we are confronted with a document, written in the 1250s, by a member of the order's elite, which offered definite interpretations of Clare's holiness. Celano, in chapter twelve of his work, uses Clare's humility as a gateway to a presentation of her poverty, and begins chapter thirteen by asserting that it is poverty of spirit that is true humility, and that she exemplified this in all things.⁴⁸ While Celano certainly spiritualizes Clare's love of poverty, he also does not neglect to mention her commitment to communal poverty in mundane things as well. That said, chapter fifteen alludes to a story about Clare's reaction to the return of the questors (*eleemosynarii*), the male mendicants who went out begging. Her reaction is conformable to her character, as she was better pleased with offerings of vile bread than fine foods. Yet the point is still clear and unmistakable: Clare's poverty must be lived out differently than that

⁴⁶ For Clare see, *Clare of Assisi: Early Documents*, ed. Regis J. Armstrong (Mahwah, NJ: Paulist Press, 1988), hereafter LSC. See also Joan Muller, *The Privilege of Poverty: Clare of Assisi, Agnes of Prague, and the Struggle for a Franciscan Rule for Women* (University Park, PA: Penn State University Press, 2006).

⁴⁷ For a history of the long discussion about the problematic authorship of the life of Clare see, LSC, 184–187.

⁴⁸ LSC, c. 12–13, 202–203. A recent edition and Italian translation can be found in: *Legenda latina Sanctae Clarae Virginis Assisiensis*, ed. Giovanni M. Boccali (Assisi, 2001).

of the mendicant Francis.⁴⁹ Poverty there certainly had to be—it was an irreducible feature of Clare's character—but the application of the term “mendicant” to her, or indeed to any female associated with the Franciscan order, is simply a meaningless label.

Subsequent saintly Franciscans demonstrated that the order was moving steadily away from the exaltation of mendicancy as a key ingredient in the recipe for Minorite holiness. This is not to say that poverty became unimportant to the elite of the order, or that this is somehow evidence of the laxity of the Conventuals. Rather this implies that the realities of Franciscan life necessitated a reframing of the ideals of Franciscan holiness. The begging that was so central to the life of Francis becomes not only ancillary, but disappears altogether. Bonaventure is an interesting case. First, he himself was the subject of a cult after his death and eventually was accorded the honor of formal papal canonization, albeit in 1482. More germane to the topic at hand though, it was Bonaventure's steady hand that governed the Franciscan order after the disturbances of the 1240s, and set it on a path that respected both the poverty that was intrinsic to the order with a remarkable practicality that came with running an organization by then numbering in the tens of thousands.⁵⁰ The order declared his life of Francis, written in 1266, to be the authoritative *vita*, and all of the previous lives we have been analyzing were suppressed and ordered to be destroyed.⁵¹ As mentioned above, Bonaventure was narrowing the focus on Francis' holiness to concentrate upon the bigger theological picture. Mendicancy, and indeed poverty as well, were now to be arranged in a hierarchy of values. Mendicancy was but one possible aspect of poverty, while poverty itself was the material manifestation of the key virtue of *minoritas*, or humility. This transition, fully manifested in his *Life of Francis*, is prefigured in Bonaventure's sermon preached in Paris on 4 October 1255, in which he makes *minortas* and humility the hallmarks of Francis' whole life.⁵² In Bonaventure's conception the specific actions mattered less than the attitude, they had been generalized into a theological superstructure whereby a multitude of individual acts could be organized and reconciled.

⁴⁹ LSC, c. 15, 205. The story is drawn from the canonization proceedings, see *Clare of Assisi: Early Documents*, “Process of Canonization,” c. 3.13, 141.

⁵⁰ See the study by Rosalind B. Brooke, *Early Franciscan Government: From Elias to Bonaventure* (Cambridge: Cambridge University Press, 1959), 181–285.

⁵¹ See Armstrong's introduction to Bonaventure's lives in FAF, 495–507.

⁵² “Evening Sermon on Saint Francis, Preached at Paris, October 4, 1255,” FAF, 517–524.

The last Franciscan saint I will examine, Louis of Toulouse, completes the development of this transition from actions to ideals.⁵³ His canonization in 1317 marks about 100 years of Franciscanism, and so forms a good final example for this study of the Minorites. Louis was the second son of Charles II of Anjou, the King of Sicily. Seemingly disposed from childhood towards the religious life, Louis joined the Franciscan order in 1296, but because of his royal status the pope immediately created him Archbishop of Toulouse. He did not have much time to govern his see, since he died at the age of 23 in November 1297. Much like his royal great-aunt, St. Elizabeth of Hungary, it was unthinkable that Louis would engage in the type of menial questing that was a part of everyday Franciscan life. Without mendicancy the question became how to present lived Franciscan holiness within the context of the life of this royal Minorite. Like Elizabeth, Louis' mission is transposed from beggar to almoner. We read in the process of canonization of his custom—even while imprisoned as a political hostage—of lowering a basket from a window to those begging for bread.⁵⁴ For a prince and an archbishop begging was simply out of the question, so he had to live out his Franciscan identity in different ways. Once again the hagiographers deployed their now sharpened tools to avoid the issue of mendicancy: poverty—broadly construed—and especially humility. The most apposite examples, chosen largely by the hagiographers to demonstrate Louis' commitment to the Franciscan ideal, have to do with his humility. One witness in the canonization process recalled Louis' joy in finding a flea in his habit and reported his travelling on foot to be received by the pope.⁵⁵ Louis' biographer particularly emphasizes the saint's unusual retention of his vile Franciscan habit as his vesture after his consecration as Archbishop of Toulouse—unusual for a prince, perhaps rarer for a bishop.⁵⁶ Some have suggested that the Spiritual Franciscans used Louis of Toulouse as a model in their war against the conventuals, but there seems little evidence to support this conclusion.⁵⁷ While Saint Louis knew Peter John Olivi and Raymond Geoffroi,

⁵³ A still useful biography of Louis can be found in Margaret Toynbee, *S. Louis of Toulouse and the Process of Canonization in the Fourteenth Century* (Manchester: Manchester University Press, 1929). The "John of Orta Life" was published in *Analecta Bollandiana* 9 (1890), 281–340.

⁵⁴ *Ibid.*, 71. cf. *Processus Canonizationis S. Ludovici Ep. Tolosani*, c. 53.

⁵⁵ *Ibid.*, 117. cf. *Processus Canonizationis S. Ludovici Ep. Tolosani*, c. 56.

⁵⁶ *Analecta Bollandiana* 9 (1890), 296, *Vita S. Ludovici* ("John of Orta Life"), c. 23.

⁵⁷ Toynbee, 217–218, offers this suggestion, but provides no evidence for this whatsoever.

there is no evidence that these were close friendships, and his later canonization by the Pope who strongly opposed the Spirituals militates against any close association with them.⁵⁸

Louis represents the ultimate expression of the transition away from mendicancy proper to a broader notion of Franciscan holiness.⁵⁹ Begging went out with Francis. As time went on the meaner and more menial members of the order continued the quest. As the order grew even this became more and more delegated to lay brothers and, especially, lay proctors who were the intermediaries in the friars' business transactions. If the proctors could handle money, why could they not then simply not handle larger bequests, deeds, and permanent incomes?⁶⁰ It was a satisfactory practical solution, yet one that made some uneasy. The hagiographers of the order reflected the dominant mindset its elites. One of the first problems that they faced was that the early Franciscan saints, though following Francis, were in reality very unlike Francis in a number of significant ways. Some were female (Clare and Elizabeth), some were noble (Elizabeth and Louis), some had more of an intellectual bent (Anthony and Bonaventure). All of these obstacles precluded the presentation of mendicancy as a central facet of their lives. Mendicancy proper, begging and seeking alms, was not and could not be a central component in the presentation of Franciscan sanctity. The field had to be broadened. Poverty certainly was key, though one had to be careful about focusing on that in order to avoid critiques of current practice. Humility became the dominant metaphor and, theologically speaking, this was a judicious development. Poverty and begging were merely outward manifestations of the necessary internal disposition of humility. In Franciscan documents about their saints, begging ceased from a very early date to be a category or obligatory *topos* for Minorite saints. In reality mendicancy disappeared from the lives of holy Franciscans. When begging did make an appearance it was people begging the saint for alms on earth or favors in heaven. In the hagiography of the early Franciscan order, the motif of begging simply evaporated, its place taken by more socially acceptable forms of living out poverty, corresponding with particular situations (cloistered nun, prince-bishop, or cardinal), and became subsumed under the far more common rubric of humility.

⁵⁸ David Burr, *The Spiritual Franciscans*, 74.

⁵⁹ Pace Aviad Kleinberg, there were not even any actions which could give rise to exemplarity.

⁶⁰ See Lambert, *Franciscan Poverty*, 86–90.

The Dominicans

The first saint of the Friars Preachers was of course Dominic himself.⁶¹ His canonization however was not assured. Dominic lay in relative obscurity under the feet of his brethren in the choir of San Nicolò in Bologna for twelve long years before his canonization—a virtual eternity in the annals of thirteenth-century mendicant sainthood.⁶² Indeed his own friars discouraged a public cult, something with which Dominic would seem to have concurred. Not until 1234 did the Pope raise Dominic to the honors of the altar. Even then his followers seemed somewhat unsure about how to do hagiography (a promotional talent that seemed to come naturally to the Minorites). When Dominic's successor, Jordan of Saxony, penned his book on the foundation of the order, Dominic played at best a supporting role.⁶³ Admittedly this is not a formal work of hagiography, but it was still the first comprehensive effort to give us a picture of Dominic, and a first attempt by those in the order to articulate a vision of their own identity. Jordan praised the founder in this work for his sanctity to be sure, but gave almost equal time to a relatively unknown friar named Henry who had been Jordan's acquaintance at Paris. Nonetheless, in both this account and in the canonization depositions from the same year we do get some sense of Dominic's enthusiasm for mendicancy.⁶⁴

Dominic's developing relationship with poverty is worth a study in itself and has been the subject of much debate.⁶⁵ While some say he developed it wholly independently as a poor preacher in the Midi, others

⁶¹ An older, but still useful, biography of Dominic is: Marie-Humbert Vicaire, *Saint Dominic and His Times*, trans. Kathleen Pond (New York, 1964).

⁶² Augustine Thompson, O.P., *Revival Preachers and Politics in Thirteenth-Century Italy: The Great Devotion of 1233*, (Oxford, 1992), 59. For example, Clare and Francis were canonized within 2 years of their deaths. Anthony of Padua and Peter of Verona were canonized in around 11 months.

⁶³ Jordan of Saxony, *Libellus de Principiis Ordinis Praedicatorum*, ed. H.C. Scheeben. Monumenta Ordinis Fratrum Praedicatorum Historica 16 (Rome, 1935). Translated in: Jordan of Saxony, *On the Beginnings of the Order of Preachers*, trans. Simon Tugwell, (Dublin, 1982). Afterwards Jordan.

⁶⁴ *Processus canonizationis sancti Dominici apud Bononiam et Tholosam*, ed. A. Walz, Monumenta Ordinis Fratrum Praedicatorum Historica 16 (Rome, 1935). Translated in: *Saint Dominic: Biographical Documents*, ed. Francis C. Lehner, O.P. (Washington, 1964). Afterwards Bologna Process or Toulouse Process.

⁶⁵ Besides Anthony Lappin's chapter in this work, see: R.F. Bennett, *The Early Dominicans: Studies in Thirteenth Century Dominican History* (Cambridge, 1937), 31–51, a response to: H.C. Lambermond, *Der Armutsgedanke des hl. Dominikus und seines Ordens* (Zwolle, 1926).

declare that it was entirely due to Francis' example. The truth lies somewhere in the middle, the most likely explanation being that he had been living a life of personal poverty as a means to reach the people of southern France, but that he had been affected in some way by the radical abandonment of communal property by the Franciscans. In any case, his attitude was always one of seeking the best way to train and support elite preachers of orthodox doctrine, and communal poverty was one way of accomplishing this. In spite of this, Dominic's renunciation of tithes and property for the order as a whole and his defense of communal poverty at the early chapters-general do not form an organizing principle for the hagiographical presentation of mendicancy in his lives. Rather it is in the homely reminiscences of those who knew him that Dominic's affinity for poverty truly shines through. One of the witnesses deposed for the canonization, Amizo of Milan, gave a clear statement concerning the original plan for the order:

His great love for poverty showed itself, not only in his own food and clothing and that of the brethren of his Order, but even in the buildings and churches of the brethren, the liturgy and the ornamentation of ecclesiastical vestments.⁶⁶

This passage recalls Dominic's famous admonition to his brothers not to tarry overlong at Divine service, but to get through the Office "breviter et succinte."⁶⁷ Although Dominic seemed to value poverty—to the point of wearing a tatty scapular even in the presence of great prelates—one always sees that this was subordinated to the primary principles of study and preaching.⁶⁸ Even this rigid adherence to poverty was subject to flexibility. Perhaps the greatest revolution of the Dominican constitutions was the declaration that the Rule bound only under pain of punishment, not sin, and that the priors at various levels of government had the personal authority to modify the rule for the good of souls and for the accomplishment of the ends of the order.⁶⁹

In spite of all this, Dominic's hagiographers still emphasized his exaltation of poverty and the requisite begging that went along with it. For him the humility involved in each was both edifying and a central

⁶⁶ Testimony of Amizo of Milan, Bologna Process, 110.

⁶⁷ St. Dominic, *Primitive Constitutions*, 1.4 in *Dominic: Biographical Documents*, ed., Francis C. Lehner, O.P. (Washington, 1964), 216.

⁶⁸ Testimony of Brother Stephen, Bologna Process, 126.

⁶⁹ On this see the Prologue of the Primitive Constitution, in *Dominic: Biographical Documents*, 212–213. For a good discussion see, Hinnebusch, *History*, vol. 1, 83–84, 130–131.

foundation for the spiritual development of the order. That said though, one never finds Dominic acting in the surprising and sometimes troubling ways one finds Francis behaving in texts such as the *Legenda Triorum Sanctorum*. The sole instance of Dominic begging—indeed the only example of a Dominican saint of the thirteenth century begging in all the hagiographical sources available to us—is fairly straightforward. Paul of Venice, another canonization witness, recalled that:

He sometimes saw the blessed Dominic himself going from door to door, begging alms and receiving a piece of bread like any pauper. Once, when he was begging at Dugliolo, some man gave him a whole loaf of bread. Father Dominic received it on his knees, in great humility and devotion. The witness often heard Dominic express his desire to the brethren that they live by begging.⁷⁰

Fra Paolo may have sometimes seen this, and may have often heard it, but the vignette never made it into any of the subsequent lives of Dominic. The sense one gets from the *vitae* is that devotion to poverty and mendicancy was a personal prerogative of Dominic alone, and not something to be imitated by the higher or saintly members of the order who came after him. In this sense the hagiographical development of Dominic's identity closely parallels that of Francis, though in the Dominican's hagiography mendicancy, narrowly understood as begging alms, does not even merit a mention. Note that by these omissions the hagiographers of the Preachers were not minimizing the significance of poverty. Mendicancy simply was not the avenue they used to deploy the language of holiness. Nor am I making an argument that the Friars Preachers became relaxed in the years following Dominic's death. They most certainly did not. Indeed it appears to me that they were far more faithful to the principles of poverty up until the 1250s than were contemporary Franciscans.⁷¹ One might even say that the Dominicans preserved poverty better over their first 100 years simply because they were not obsessed with it. My contention is simply that a prioritization of mendicancy and poverty as ends in themselves never becomes a factor in the presentation of a peculiarly Dominican holiness.

Dominic certainly died in poverty and, as the initial quotation with which I opened this chapter declares, he left that poverty to his brothers as an inheritance. Subsequent Masters-General were extremely competent

⁷⁰ Testimony of Paul of Venice, Bologna Process, 130.

⁷¹ See: R.F. Bennett, *The Early Dominicans: Studies in Thirteenth Century Dominican History*, (Cambridge, 1937), 145–156.

and upright men, beginning with Jordan of Saxony—a man who himself would be the subject of a small cult in the subsequent years.⁷² Jordan skillfully continued to shepherd the Dominican order through its periods of growth, especially with the establishment of the constitutions in 1228. It is clear that Jordan himself valued poverty, though in his *Libellus de principiis Ordinis Praedicatorum* much of the material on poverty is treated in the context of his friend Henry of Cologne. In one story, before his conversion to the Preaching Friars, Henry had a vision of the heavenly judgment. Henry felt secure because he was not aware of any sin, but when his turn came the judge pointed to him and said “tell us what you ever abandoned for the Lord.” He awoke terrified, but all the more eager to pursue the “height of evangelical poverty.”⁷³ In their correspondence Jordan challenged Henry by asking “what could be more meritorious to win us a glorious crown, than for us to share in that poverty that Christ displayed and that his followers, the Apostles, practiced, and to spurn the whole world for love of Him?” Jordan does not foreground Dominic in this story of the primitive friars since, after all, it is a more general history of the order.⁷⁴ The most we get in this work about Dominic’s proclivities towards mendicancy is the short revelation that, “he was a great lover of poverty, he always wore cheap clothes. He confined himself to a very modest allowance of food and drink.”⁷⁵ Jordan makes no allusions to begging. The interests of the order were moving in other directions: entering into university teaching, beginning to engage in anti-heretical missions, and asserting its prerogatives in the face of increasing opposition from the secular clergy and the older orders. Accounts of holiness would have to be drawn from those experiences in the future. There is one further telling story about Jordan from the *Vitas Fratrum*, a work from the late 1250s that I will analyze later, where the Master-General answers a criticism from a religious of an older, propertied order:

The Master answered meekly, “I will demonstrate from your words why your Order will fail before ours: Look in the gospel and you will find that the statement ‘Love in most people will grow cold’ was written about the time when wickedness will abound and there will be intolerable persecutions. You well know that at that time those persecutors and tyrants who

⁷² A serviceable biography of Jordan is: Marguerite Aron, *Saint Dominic’s Successor: The Life of Blessed Jordan of Saxony* (St. Louis, 1954).

⁷³ Jordan, 18.

⁷⁴ For an interesting short introduction to this work see: David Haseldine, “Early Dominican Hagiography,” *New Blackfriars* 75:885 (1994): 400–415.

⁷⁵ Jordan, 27.

abound in iniquity will confiscate your temporal goods, and then you, who are not used to going from place to place looking for alms, will necessarily collapse. But our brothers will then be dispersed and produce greater fruit, just as the apostles who, dispersed at the time of persecution, were not very terrified, but went from place to place, two by two, and sought their livelihood as they were accustomed. I also tell you, that those who take from you would willingly give to us, because we have experienced that robbers and extorters would very gladly give us alms from what they take from others, if we were willing to accept it.”⁷⁶

Now clearly this is an idealization of the conflict between the newer and older orders, but it illustrates that the Dominicans could claim mendicancy when it was necessary to advance their interests.

The situation of the developing order belies this aggressive claim to mendicancy. Under the short mastership of Raymond of Peñafort, from 1238 to 1240, we see the last legislation in the records of the Chapters-General regarding the begging quest.⁷⁷ The quest had become largely unnecessary with the acquisition of permanent convents and the practical decision to store food. The ability to receive alms in the form of money had also become an accepted practice by this time. These developments, which roiled the Franciscan order and resulted in the splintering of the Minorites, had little or no effect on the Dominicans. When one remembers Dominic’s pragmatic attitude towards these things, this should come as no surprise. Though there is some indication that the Dominicans came under fire for these concessions, there is no evidence that the order itself experienced any grave internal dissent.⁷⁸ Given these facts, as well as the renowned strictness of the early order, one is forced to conclude that, for the Friars Preachers, genuine holiness of life was not intrinsically tied either to begging or to the practice of absolute communal poverty.

⁷⁶ Gerald de Frachet, *Vitae Fratrum Ordinis Praedicatorum*, ed. Benedict Maria Reichert, O.P., *Monumenta Ordinis Fratrum Praedicatorum Historica* 1, (Louvain, 1896), 3.45.5, afterwards VF., translated in: *Lives of the Brethren of the Order of Preachers, 1206–1259*, trans. Placid Conway, O.P. (London, 1924). Simon Tugwell has made extensive studies of this work, I defer to his opinion that the correct spelling of the name is “Gerald” and the correct title should be “Vitas Fratrum,” see his: *Miracula Sancti Dominici Mandato Magistri Berengarii Collecta, Petri Calo Legendae Sancti Dominici*, MOPH 26 (Rome, 1997), 29, n. 23.

⁷⁷ Bennett, 147.

⁷⁸ Note the reaction of the wool spinners of Utrecht ca. 1260, “Behold these Preachers have found all ways to make money, for instance, they are able to accumulate cash and build wide palaces.” From the translation of the Life of Peter of Verona in: Donald Prudlo, *The Martyred Inquisitor: The Life and Cult of Peter of Verona*, (Aldershot, 2008), 234.

In the 1240s and 1250s Dominican hagiography came into its own. During this period Constantino di Orvieto and Pedro Ferrando wrote the first discrete lives of Dominic, while Jean de Mailly and Bartolomeo da Trento took tentative first steps in the direction of writing comprehensive saint's lives.⁷⁹ The efforts of Gerald de Frachet and Jacopo da Varazze (Jacobus of Voragine), however, were pivotal. Gerald's was the first work to create a comprehensive Dominican history, while Jacopo's famous *Golden Legend* became one of the most popular books of the middle ages.⁸⁰ These works are essential to our consideration of how the friars experienced and promoted holiness within the order itself. I should like first to turn to Gerald's *Vitas Fratrum*, an extremely interesting text, and one whose relationship to poverty and mendicancy is quite ambivalent.

Gerald composed his work between 1256 and 1259, gathering stories from the primitive order and compiling them into a book that is both a history of the Dominicans as well as a frame narrative for the stories of its saints.⁸¹ For Gerald, it is preaching that characterizes the order, and not mendicancy. Indeed throughout the whole of the first section of the work, poverty is seen as somewhat of an obstacle to the order. In some stories poverty is viewed negatively, as being a barrier to the acquisition of novices and a hindrance to the spiritual life. Yet Gerald is no champion of laxity, rather poverty is presented as an initial difficulty that must be overcome. Only four stories about begging can be found in the whole text.⁸² In the first book one finds an allusion to questing but, tellingly, it is for an entire piece of property on which to found a convent.⁸³ Later on Gerald reports that Jordan of Saxony sent brethren out to beg, but this type of story would be repeated often in writings about the order.⁸⁴ The prominent members of the Friars Preachers cannot be bothered to go questing—that is something left to the novices and especially the lay brothers. In one story, a brother is worried about repaying with his

⁷⁹ For Ferrando and Constantino see: *Monumenta Ordinis Fratrum Praedicatorum Historica* 16, (Rome, 1935). For Jean de Mailly see his: *Abbreuatio in Gestis et Miraculis Sanctorum*, ed. Antoine Dondaine, O.P., (Paris, 1947). For Bartolomeo see: "Epilogus in Gesta Sanctorum," ed. Domenico Gobbi, in *Bartolomeo da Trento. Domenico e agiografo medievale* (Trent, 1990).

⁸⁰ For *GL* see Alain Boureau, *La Légende dorée: le système narratif de Jaques de Voragine* (Paris: Editions du Cerf, 1984).

⁸¹ For a textual history of the work see: Simon Tugwell, O.P., "L'Evolution des *Vitae Fratrum*," *Cahiers de Fanjeaux* 36 (2001): 415–418.

⁸² *VF* 1.6.13; 3.36; 4.18.1; 4.5.6.

⁸³ *VF* 1.6.13.

⁸⁴ *VF* 3.36.

prayers the significant debt owed to many generous almsgivers. Jordan admonishes him that prayer is of infinitely higher value than alms, and that a single Paternoster will suffice to repay the alms in full. In this story, the superiority of the spiritual is asserted very strongly, and the quest is relegated to a purely temporal matter, more meaningful for the donors than the friars.⁸⁵ Even so, poverty is still seen as security before the judgment of God (something Gerald echoes from the *Libellus*) and the poverty of the primitive order is held up for admiration.⁸⁶ In this work we see mendicancy, conceived as begging, being marginalized while poverty again is exalted as a means only—albeit a “royal road”—to holiness.

Between 1260 and 1267 Jacopo da Varazze, the prolific Dominican archbishop of Genoa, composed his *Legenda Aurea*. In it we get discrete lives of Dominic and Peter of Verona, who was martyred in 1252. Jacopo repeats some of the earlier information on Dominic and records the founder’s insistence on personal poverty, yet here again it seems that Dominic is more to be marveled at than imitated. In one story, Dominic is reported begging, yet significantly it is not for alms, but for lectures.⁸⁷ In the narrative about Peter there is barely an allusion to mendicancy or even poverty. Jacopo, like Peter’s other hagiographers, finds completely new categories of sanctity for Peter, such as anti-heretical efforts and—especially—martyrdom.⁸⁸ For Jacopo, it seems that humility and obedience are the chief characteristics of the Friars Preachers, and that they serve as a placeholder for mendicancy. Indeed one would expect some exaltation of the Mendicant ideal in Jacopo’s treatment of Francis of Assisi.⁸⁹ Here too, Jacopo emphasizes humility in place of mendicancy. Indeed there are some stories of Francis begging, but they come before his final conversion to the religious life. In the end it is humility that will win Francis a place on the throne vacated by Lucifer, and not poverty. Francis comes off in the *Golden Legend* as fitting the Dominican paradigm! There is one further interesting allusion to begging in Jacopo’s treatment of mendicant saints. Though in the life of Saint Elizabeth of Hungary Jacopo does not mention any association with the Franciscan order at all, he does assert that after the death of her husband, Elizabeth desired to live her life by begging, but the intervention of her spiritual director, Conrad

⁸⁵ VF 3.45.24.

⁸⁶ e.g. VF 1.5.11, 4.2, 4.13.3, and 4.15.4.

⁸⁷ GL, 420.

⁸⁸ See Prudlo, *Martyred Inquisitor*, 119–121.

⁸⁹ GL, 597–610.

of Marburg, prevented her.⁹⁰ Where mendicancy is exalted in Jacopo is in the story of St. Alexis. Begging seems to be Alexis' personal prerogative, a wonder to be marveled at, and not a consistent basis for the practice of holiness in the thirteenth century.⁹¹ Here we come back to the imitation/wonder dichotomy. Begging seems to be a specific grace-inspired activity that corresponds to holiness in the lives of certain saints. It does not, however, form a consistent basis for the practice of holiness to be found in common virtues such as humility. Instances of begging are marvelous outliers; they are personal and, in a sense, unrepeatable. Humility has a multitude of expressions, and is more easily fit into the wide variety of saintly lives lived in the 1200s. In the end, mendicancy is tangential and unnecessary to the realization of genuine holiness in the medieval world. To show how pervasive this view of begging was, St. Bonaventure himself deprecates the originality of Francis' mendicancy by rejecting arguments for its novelty and situating mendicancy in the mainstream of Church history. Even some Franciscans, it seemed, were uninterested in prioritizing mendicancy as the chief characteristic of their order.⁹²

As alluded to already, in the hagiography about Peter of Verona (Peter Martyr) no mention whatsoever of begging appears, and incidental allusions to poverty are only made in the context of his larger conformity with the general rules of the Dominican order. Besides Jacopo's narrative, the official life of Peter composed by Thomas Agni of Lentino around 1270 is our primary source for the saint's story.⁹³ The images of Peter in that text are those of humble obedience and of aggressive defense of the faith against heresy. His preaching and pastoral work are the motifs chosen to illuminate his story, not poverty or mendicancy. The one minor allusion to begging does not even occur in the thirteenth-century sources but rather in the miracles of Peter Calo, composed around 1340. In that

⁹⁰ GL, 683. Jacopo omitted lives of Clare and Anthony.

⁹¹ For the arrival and popularity of St. Alexis' cult in the medieval west see, Little, *Religious Poverty*, 40; A. Gieysztor, "Pauper sum et peregrinus: la légende de saint Alexis en Occident. Un idéal de pauvreté," in *Études sur l'histoire de la pauvreté*, ed. M. Mollat (Paris, 1974), 125–139. Even Kleinberg admits the *admiranda*, not *imitanda*, character of Alexis' story in *Prophets*, 138.

⁹² Bonaventure, *Opera Omnia* V (Florence: 1891), 138–139, 141–142. Cfr. Michael Robson, *St Francis of Assisi: The Legend and the Life* (New York, 1997), 116.

⁹³ There is no definitive edition of this text, though I have transcribed what I believe to be the most primitive version, Toulouse MS 481, (which is a verbatim copy of the original legend inserted in Bernard Gui's *Speculum Sanctorale*) and I have translated the entirety of the early edited life from the *Acta Sanctorum* in my book, *The Martyred Inquisitor*, 200–262.

story Peter is cooking and runs out of oil. He sends a lesser brother out to find oil from what appears to be a reliable source of alms, but there is (horror of horrors in Italy) a shortage of olive oil. Peter castigates the brother for his lack of faith and miraculously produces oil.⁹⁴ This story shows the continuation of the idea that the upper echelons of the order, whether priors, preachers, or professors, simply did not go begging. That is a task left to the minor brethren. Over the course of time it also resulted in the securing of a regular supply of the necessities of life, including long term food storage.

Indeed it becomes very clear that the saints of the order are most emphatically exempted from the general rule of begging and poverty. Galvano Fiamma, a Milanese Dominican chronicler writing about 1340—himself a strict friar—relates a chilling tale about the saints of the order and poverty:

Master Stephen of Besançon was coming back from the Montpellier general chapter of 1294 and passing through Milan. There he ordered the removal of a massive iron chandelier over Peter's tomb that lit the whole church since, as he said, "it disfigures our poverty." This being done, Stephen was visited that very night by a terrifying vision of Peter beating him with an iron chain.⁹⁵

Galvano implies that Stephen died soon after this vision as a result of its terrifying effect on him. The chandelier remained where it was, to light the martyrdom for future generations of pilgrims. This vision apparently did the trick for the friars, since in subsequent years (1299, 1300, and 1303) they oversaw substantial additions to the chapel, and in 1304 Pope Benedict XI (Niccolò Boccasini), who had been Master General after Stephen, sent no less than 300 florins for red and white marble for the chapel. The Dominicans certainly learned their lesson!

In the study of holy Franciscans we have already seen a marked transition between saints who begged for alms to saints, such as Elizabeth and Louis, who turned that paradigm on its head. Those saints, scions of

⁹⁴ Ibid., 212.

⁹⁵ "Anno Domini 1294. Finito capitulo generale apud Montepesulanum celebrato magister Stephanus Bisuntinus magister ordinis transivit per Mediolanum et quam magnam rotam ferream ante tumulum beati Petri martiris dependentem lampadibus plenam, totam illustrantem ecclesiam, deponi fecit, dicens quod paupertatem deformabat ordinis et ipsa nocte vidit beatum Petrum martirem iratum, qui catenis ferreis ipsum percussit. Qui recedens sicut glacies extenuari cepit et perveniens Lucam videns se consumptum, cum non haberet nisi pellem et ossa, ex hac luce migravit octavo kalendas octobris." Galvano Fiamma, "La cronaca maggiore dell'ordine domenicano di Galvano Fiamma," *Archivum Fratrum Praedicatorum* 10 (1940): 336.

wealth and royalty, could not be expected to go begging, but rather transposed their Franciscanism by becoming patrons of the poor and distributors of alms. We see a similar transition among the Dominican saints. No longer portrayed as beggars for alms, the saintly friars become benefactors of the indigent. Unlike the royal Minorites, these Dominicans are depicted as becoming advocates for the poor after their deaths, rather than becoming almoners in life. The miracle stories of the Preachers are filled with concern for the marginalized in society. Though the bulk of the miracle stories report aid to the urban bourgeoisie—whom the friars were most closely related to in life—they also become special patrons of the downtrodden. In the *Golden Legend* Dominic heals the son of a poor woman after she makes a vow to have him work without pay for the construction of a new foundation in Sicily.⁹⁶ While only four percent of Peter of Verona's reported miracles are specifically targeted at the identifiably marginalized, the stories are prominent and are included in the earliest sources. The *Vitas Fratrum* tells of a story, internally dated to 1259, from Santiago de Compostela. A youth had been reduced to begging by the infliction of a terrible sickness, likely dropsy, that bloated all of his members. A woman in the city took pity on him and gave him a little food. She did not stop there though. "You need a great deal more than food . . . Go to the house of the Preachers, there confess your sins and devoutly pray to Blessed Peter the new martyr."⁹⁷ He did this and was cured by an apparition of the fallen inquisitor. Much like Jordan of Saxony's story about the superiority of prayer over alms, this tale also makes the point that the devout give alms, but that the Saint is the one who can take pity from heaven. Amelioration of temporal needs is good, but spiritual health is better. The health of the body followed as a sign of spiritual health. Tommaso Agni reports a similar story from Milan where the pauper Jacopo da Cornaredo suffered from terrible fistulas which made it difficult for him to move around to beg for alms. Coming to Peter's tomb, he prayed for health and received it.⁹⁸ Presumably he was now free to continue his begging. Spiritual health had not led to temporal success for he remained indigent; there was no intrinsic connection for the hagiographers. Begging, like praying, was a permanent task—it had to begin again each day.

A final example is instructive because it shows a certain convergence between Franciscan and Dominican ideals of holiness by the end of

⁹⁶ *GL*, 429.

⁹⁷ *VF* 5.1.3.

⁹⁸ Thomas Agni di Lentino, *Vita*, 13.101, cf. Prudlo, *Martyred Inquisitor*, 255.

the thirteenth century. Ambrogio Sansedoni of Siena was a Dominican preacher and peacemaker who died in 1287.⁹⁹ Though never formally canonized, his case is typical of the enduring local cults that flourished in medieval Europe. Ambrogio, like nearly all the Franciscan saints, came from a wealthy and powerful family. This meant that he was precluded from the begging of alms by his familial situation. Like Elizabeth of Hungary and Louis of Toulouse he transposed mendicancy by becoming an almoner himself, an advocate on behalf of the poor. In the near-contemporary life attributed to four of his confreres, he is depicted as a rich child who displays precocious holiness and who transposes the idea mendicancy. Even as a boy he makes sure to give alms to the poor.¹⁰⁰ Unlike other saints who experienced familial opposition, Ambrogio's hagiographers make sure to point out that his almsgiving was subordinated to the obedience due to his family. In one story he asks his parents permission before giving alms to beggars, and in another he requests that his father spend the inheritance that was to come to Ambrogio on the poor.¹⁰¹ In another contemporary life, by Fra Recupero Aretino, the saintly Dominican puts his noble talents to good use not by becoming a beggar, but by founding congregations to distribute alms to the poor effectively and efficiently.¹⁰² Such ideas came to dominate the hagiography of the preachers well into the 1300s. Jacopo Salomoni was a rich man of Venice who became a Dominican at the strict convent in Forlì. "Frater Iacobus amicus pauperum vocaretur." The rich saint is defined in his humility and obedience and, ultimately, his holiness, not by his personal poverty, but rather by becoming a friend and patron of the poor.¹⁰³

⁹⁹ There is no modern critical biography of this very prominent saint. A brief confessional biography is somewhat useful: Giacinto d'Urso, O.P., *Beato Ambrogio Sansedoni: 1220-1287* (Siena: Biblioteca Cateriniana, 1986).

¹⁰⁰ *Vita per IV Coaevos*, Acta Sanctorum, March III. c. 8, 183d.

¹⁰¹ "Prope in consuetudinem duxit omni sexta feria publicos visitare carceres, et si quos reperisset pauperes, qui se commode nutrire non poterant, licentia prius a parentibus habita, die una in hebdomada cibaria eis occulte mittebat cum aliqua pecuniæ quantitate." Ibid., c. 11, 184b; "Post hæc maxima cum humilitate a patre petiit, ut ex his quibus abundabat diuitiis, partem pauperibus erogare valeret. Concessit libentissime pius pater deuoto filio, quod postulauit: qui plura nummorum aureorum centena pauperibus erogare studuit, et maxime puellas nobiles et inopes decentibus locans maritis." Ibid., c. 18, 186a.

¹⁰² *Summarum virtutum et miracula auctore Fr. Recupero*, Acta Sanctorum, March III, c. 14, 212e.

¹⁰³ *Vita de B. Jacobo Veneto*, Acta Sanctorum, May VII. C. 10, 464a.

In these stories we see the acquiescence to that temptation described in the *Sacrum commercium* where Avarice speaks:

Why do you stand all day idle, without providing for the future? What does it profit you to have the necessities of life while you abstain from luxuries? For you could work out your own salvation and that of others with great peace and leisure if everything you needed was readily available ... Since the Lord says "It is more blessed to give than to receive," wouldn't it be acceptable to God if you had something to give to the needy and were mindful of the poor?¹⁰⁴

The orders gave in to the temptation, if it might be considered one. It was not that the orders called "mendicant" had ceased to be poor. They simply removed mendicancy from their patterns of holiness. As orders of paupers, they became advocates for the poor. Prevented by social or gender status from begging, they made provision for the beggar. Alms seekers became almoners, and in the end they did far more for the poor than did any who had misplaced attachments to vile clothing or humiliating abjection for their own sakes.

By the time of the canonization of Thomas Aquinas in 1323 the conflict with the Spiritual Franciscans had come to a head. While the Dominicans had established themselves as the Popes' bulwarks of orthodoxy and had maintained the spirit of their foundation, the Minorites had engaged themselves in a strength-sapping debate about the nature of poverty—though the vast majority of the Conventuals lived good lives according to the developing notions of their order. For some on the extreme Spiritual wing of the order, poverty had come to be equated with holiness itself, the external objects came to replace the internal virtues. The hagiographers of the Franciscan order had provided a plan to avoid this, by broadening their idea of holiness to emphasize humility and obedience, and avoiding calls to imitate the acts of self-abasement that they came to consider as proper to Francis alone. Dominicans, as has been shown above, took a similar pragmatic stance. Writing in the late 1260s Aquinas had defined the Dominican position thusly:

The vow of obedience is the chief of the three religious vows ... because by the vow of obedience man offers God something greater, namely his own will; for this is of more account than his own body, which he offers God by continence, and than external things, which he offers God by the vow of poverty.¹⁰⁵

¹⁰⁴ *Sacrum commercium*, 45 (1227), FAS, 545.

¹⁰⁵ Thomas Aquinas, *Summa Theologiae*, II-II, q. 186, a. 8.

This moderate position was lost on the spiritual Franciscans who were bent on exalting the ideal of absolute poverty into the very essence of holiness itself. “Voi fate uno vostro idolo di questa povertà” said Giovanni dalle Celle, a Vallombrosian opponent of the Fraticelli, “You make for yourselves an idol of this poverty.” The Dominicans could be accused of no such thing, nor could the thousands of Conventuals.¹⁰⁶ Not one allusion to either poverty or mendicancy appears in the *vitae* written by Dominicans after the death of Thomas Aquinas or in preparation for his canonization. Neither do the witnesses in the process mention any special affinity of Thomas for those things. They were not the preferred categories for the understanding of sanctity among the bulk of the Preachers or the Minors. Mendicancy was simply not something Mendicant saints did.

¹⁰⁶ Giovanni dalle Celle, “Lettera inedita del beato G. Dalle Celle,” *Rendiconti della Reale Accademia dei Lincei: Classe di scienze morali, storiche, e filologiche* Ser. 5 Vol. 15 (1906): 127.

CHAPTER FIVE

PASTORAL CARE, INQUISITION, AND MENDICANCY IN THE MEDIEVAL FRANCISCAN ORDER

HOLLY J. GRIECO*

The dream of Pope Innocent III has been recounted in chronicles and works of hagiography, in frescoes and in stone. In the story, the pontiff recalls a recent vision or dream, in which the Lateran basilica—the church the pope holds as the Bishop of Rome, and the official seat of his authority—was about to collapse when a religious man appeared and propped it up with his body. Because of the actions of the religious, the Lateran did not fall. Innocent III later encounters and identifies the man who saved the Lateran from collapse as the one who would support the Church with his preaching and by his example. But who was the man in the story who would serve in this critical role?

The story is perhaps most familiar within the Franciscan tradition, in part because of its depiction in the St. Francis Cycle in the Upper Church at Assisi.¹ But in the Middle Ages, both Dominicans and Franciscans laid claim to the story of the pope's dream, first in a series of written works and later in different artistic media.² Depending on the particular tradition,

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¹ Rosalind B. Brooke, *The Image of St. Francis: Responses to Sainthood in the Thirteenth Century* (Cambridge, Eng., 2006), pp. 380–381. For questions of dating and authorship, see pp. 415–439. Julian Gardner has written on the iconography of papal dreams—and specifically on the dream of Innocent III—in “Päpstliche Träume und Palastmalereien: Ein Essay über mittelalterliche Traumikonographie,” in *Träume im Mittelalter: ikonologische Studien*, eds. Agostino Paravicini Bagliani and Giorgio Stabile (Stuttgart, 1989) pp. 113–124.

² For the Franciscans: *Legendum trium sociorum* XII.51.5–8, *Fontes Franciscani*, eds. Enrico Menestò and Stefano Brufani (Assisi, 1995), pp. 1423–1424; Thomas of Celano, *Vita Secunda Sancti Francisci* 11.17.1–9, *Fontes Franciscani*, pp. 459–460; and Bonaventure of Bagnoregio, *Legenda maior* 3.10.1–11, *Fontes Franciscani*, pp. 801–803. The most well-known depictions in fresco are at Assisi, in the nave of the Upper Church. For the Dominicans: Constantine of Orvieto, *Legenda S. Dominici*, in *Sancti Patris Nostri*

the dream would have occurred around 1209, when Francis and his followers first approached Pope Innocent III for approval of their way of life; or, it would have occurred slightly later, in 1215, when Dominic arrived in Rome for the Fourth Lateran Council and met with the pontiff.³ Written versions of the story began to appear in the 1240s. The Franciscan *Legenda trium sociorum* is potentially the earliest such source; the first sixty-seven paragraphs—which include the story of Innocent’s dream—date to 1241–1247.⁴ The Franciscan General Chapter of 1244 commissioned Thomas of Celano to record the Order’s founding stories; the resultant *Vita Secunda S. Francisci* dates to 1246–1247. Within the Dominican tradition, Constantine of Orvieto received a similar commission at the Dominicans’ 1244 General Chapter, the product of which was the *Legenda S. Dominici*, which also dates to 1246–1247.⁵ Franciscans commissioned the first visual representation of the story, found in the nave of the Lower Church at Assisi, likely begun before 1263, though Dominican representations date from shortly thereafter.⁶

Thus, the story of Pope Innocent III’s dream encourages us to consider the development of the Dominican and Franciscan Orders in close proximity. The story was flexible enough that Franciscan and Dominican authors—and those designing works of art for their churches—could mold and shape the story to meet the specific characteristics of the two orders and fulfill their similar, but by no means identical, tasks of myth-

Dominici, 2, (Monumenta Ordinis Fratrum Praedicatorum Historica) 16 (Rome, 1935) pp. 301–302. On Dominic’s tomb at Bologna, see Joanna Cannon, “Dominic *alter Christus*? Representations of the Founder in and after the *Arca di San Domenico*,” in *Christ Among the Medieval Dominicans*, ed. Kent Emery, Jr. and Joseph P. Wawrykow (Notre Dame, 1998), pp. 26–48. The shared importance of these images to the Franciscan and Dominican Orders (and their dating) was also addressed by Lester K. Little in his paper, “*Imitatio Francisci*,” given on 22 April 2006 at “A Literary Apostolate: Franciscans, Lovers and Critics in Medieval and Early Modern Europe: A Conference in Honor of John V. Fleming.”

³ Regis J. Armstrong, O.F.M. Cap., J.A. Wayne Hellmann, O.F.M. Conv., and William J. Short, O.F.M., eds., *Francis of Assisi. The Founder: Early Documents*, 2, (New York, 2000) p. 97, note a.

⁴ *St Francis of Assisi: The Founder*, p. 63.

⁵ Brooke, *The Image of St. Francis*, p. 283.

⁶ *Ibid.* On dating, see p. 288. Brooke argues that the Assisi frescoes were created during Bonaventure’s generalate. However, because the captions to the frescoes draw on the text of Celano’s *Vita Secunda* and not from Bonaventure’s *Legenda maior*, she believes that Bonaventure had most likely not finished his own account of St. Francis’s life. Thus, the work was likely begun before 1263, but not earlier than 1257. Dominic’s tomb at Bologna, the *Arca*, was completed in 1267 and depicted scenes from the holy man’s life, including the dream of Innocent III. Cannon, “Dominic *alter Christus*?” p. 31.

making. In some sense, the meanings the two orders hoped to convey by their accounts of the story played a key role in shaping their respective identities. Each order offered something slightly different—at least, initially—to medieval Christendom that might serve as a source of renewal or reform. Before either order was engaged in the practice of *inquisitio hereticae pravitatis*, or inquisition of heretical depravity, Franciscans and Dominicans relied on the spirituality and sense of mission of their founders when they sought direction for their own apostolates in the world. That both orders saw their founders as the man in Innocent's dream suggests that at least by the 1240s, when such written narratives became popular, Franciscans and Dominicans had a strong sense of the utility and submission of their orders to the papacy and to the greater needs of the Christian world. As orders that identified themselves with the mission of upholding and supporting the Church, understanding that mission in terms of the defense of the Church was neither misplaced nor surprising. The task, however, had required and would continue to require different things from each order.

Since the story of Dominican involvement in medieval heresy inquisition is, in some respects, more familiar than the Franciscan one, I will only touch on it here. Nevertheless, because the two orders developed in parallel during the thirteenth century and often competed within medieval cities and towns, it makes sense to think about the connections among Dominican identity, Franciscan identity, and medieval inquisition. Franciscans and Dominicans understood their charisms differently in the Middle Ages, and because of that they understood their participation in medieval inquisitions differently as well.

Does that difference mean that we can speak of separate 'Dominican' or 'Franciscan' inquisitions? Grado Merlo has argued that we cannot do so in a real sense. One can speak of thirteenth-century inquisition, according to Merlo, but not Franciscan (or Dominican) inquisition, because there is nothing particularly *Franciscan* (or *Dominican*) about it: the procedures and goals of inquisition do not change as a function of the affiliation of the inquisitor administering it.⁷ In fact, inquisitors' manuals from the thirteenth century support Merlo's claim: manuals of Franciscan provenance make use of Dominican examples, and vice

⁷ Grado Giovanni Merlo, "Fratelli Minori e inquisizione," in *Fratelli Minori e inquisizione: atti del XXXIII Convegno internazionale*: Assisi, 6–8 ottobre 2005 (Spoleto, 2006) pp. 3–24.

versa.⁸ And yet, even if the overarching ecclesiastical aims of inquisition and the procedures used by inquisitors of different orders were the same, a Franciscan inquisitor brought uniquely Franciscan baggage to his task. He served as an inquisitor knowing that he had taken a vow to live his life according to the Franciscan Rule, and not some other rule. As a Franciscan, he followed in the footsteps of his Order's founder, and thus had to reconcile his inquisitorial service with his Franciscan vocation. Similarly, a Dominican who served as an inquisitor did so with a different set of expectations and guiding principles. Therefore, while I understand Merlo's argument and agree with him to a point, I believe as long as one understands that there were no procedural differences between inquisitions administered by Dominicans and Franciscans due to their particular connection to either of these orders, one may reasonably use these adjectives as a reminder of the affiliations of the men undertaking them. Furthermore, Franciscans and Dominicans did not perform their respective inquisitorial tasks in a vacuum, but as we will see, often did so in direct relationship to their mendicant rivals.

The Dominican Order has traditionally been associated with inquisition, and its friars have been known as the *Domini canes*, the hounds of the Lord, because of their zeal in uprooting heresy. In some sense, Dominican service in the office of inquisition has been taken for granted. Scholars have long addressed medieval inquisition without considering the specific impact of this service on the Dominican Order. Recent scholarship, however, has expanded our understanding of medieval inquisitions in general and the roles played by Dominican friars as inquisitors of heretical depravity in particular.⁹ Some scholars have looked more

⁸ On inquisitors' manuals see in particular the article by Antoine Dondaine, "Le Manuel de l'Inquisiteur (1230–1330)," in *Les hérésies et l'Inquisition XIIe–XIIIe siècles*, (Aldershot, Eng., 1990) pp. 85–194. The article was originally published in the *Archivum Fratrum Praedicatorum* 17 (1947) pp. 85–194.

⁹ In particular, Christine Caldwell Ames, *Righteous Persecution: Inquisition, Dominicans, and Christianity in the Middle Ages* (Philadelphia, 2008); John H. Arnold, *Inquisition and Power: Catharism and the Confessing Subject in Medieval Languedoc* (Philadelphia, 2001); Caterina Bruschi and Peter Biller, eds., *Texts and the Repression of Medieval Heresy* (York, 2003); James B. Given, *Inquisition and Medieval Society: Power, Discipline and Resistance in Languedoc* (Ithaca, New York, 1997); Wolfram Hoyer, O.P., ed., *Praedicatorum, Inquisitores I: The Dominicans and the Medieval Inquisition. Acts of the 1st International Seminar on the Dominicans and the Inquisition* (Rome, 2004); Mark Gregory Pegg, *The Corruption of Angels: The Great Inquisition of 1245–1246* (Princeton, 2001); and Andrew P. Roach, *The Devil's World: Heresy and Society 1100–1300* (Harlow, Eng., 2005).

specifically at the ways in which the Dominican Order reinterpreted its early history in light of later involvement in medieval inquisitions, and then used that reimagined history as a way to make sense of its inquisitorial service.¹⁰ Scholars do not agree on the impact of inquisition on Dominican identity: some have argued that inquisition shaped the way Dominican inquisitors understood their vocation as friars, but not the way the Order as a whole understood itself and its charism.¹¹ Others have argued that inquisitorial service profoundly influenced Dominican identity for all members of the Order, whether or not they had individually served as inquisitors.¹²

Inquisitions headed by Franciscans have been the subject of research since as early as 1913. Nevertheless, that first study by Jean Marx on inquisition in the Dauphiné was primarily a regional assessment of inquisition, not a study dedicated to the Franciscan charism of the friars who conducted it.¹³ Other research has focused on the relationship between the Franciscan and Dominican Orders in assessing the establishment of papal inquisitions in the thirteenth century.¹⁴ The most prolific scholar of Franciscan inquisitors and inquisitions has been Mariano D'Alatri, who has worked extensively on Franciscans and inquisition in the Italian context.¹⁵ Jacques Chiffolleau has written on Franciscan inquisition within Provence,¹⁶ and Franciscans and inquisition have recently been

¹⁰ Laurent Albaret, "Les Prêcheurs et l'Inquisition," in *L'ordre des Prêcheurs et son histoire en France méridionale, Cahiers de Fanjeaux* 36 (Toulouse, 2001) pp. 319–341; Ames, *Righteous Persecution*; Wolfram Hoyer, O.P., ed., *Praedicatores, Inquisitores*; Edward Peters, "Quoniam abundavit iniquitas: Dominicans as Inquisitors, Inquisitors as Dominicans," *Catholic Historical Review* 91 (2005) pp. 105–121; and Donald Prudlo, *The Martyred Inquisitor: The Life and Cult of Peter of Verona († 1252)* (Aldershot, Eng., 2008).

¹¹ In particular, Albaret, "Les Prêcheurs et l'Inquisition," pp. 319–341.

¹² Ames, *Righteous Persecution*, *passim*.

¹³ Jean Marx, *L'Inquisition en Dauphiné. Étude sur le développement et la repression de l'hérésie et de la sorcellerie du XIV^e siècle au début du règne de François I^{er}*, (Bibliothèque de l'École des Hautes Études) 206 (Paris, 1913).

¹⁴ Yves Dossat, "Les débuts de l'Inquisition à Montpellier et en Provence," in *Bulletin Philologique et Historique (Jusqu'à 1610) du Comité des Travaux historiques et scientifiques* (Paris, 1963), pp. 561–579 and "Les Origines de la Querelle Entre Prêcheurs et Mineurs Provençaux: Bernard Délicieux," in *Franciscans d'Oc: Les Spirituels ca. 1280–1324* (Cahiers de Fanjeaux) 10. (Toulouse, 1975) pp. 315–354.

¹⁵ Among other work, Mariano D'Alatri, *L'inquisizione francescana nell'Italia centrale nel secolo XIII*, (Rome, 1954); Mariano D'Alatri, *Eretici e Inquisitori in Italia: Studi e Documenti*, 2 vols. (Rome: 1986–1987); and *L'inquisizione francescana nell'Italia centrale del duecento*, (Rome, 1996).

¹⁶ Jacques Chiffolleau, "Les mendiants, le prince et l'hérésie à Marseille vers 1260," *Provence historique* 36 (1986) pp. 3–19; and "L'Inquisition franciscaine en Provence et

the subject of a conference whose participants examined Friars Minor on both sides of the inquisitorial tribunal.¹⁷

Nonetheless, although Franciscan inquisitors are now perhaps more prominently featured in the scholarly literature than they have been in the past, little has been done—especially in the English-language historiography—to consider the place of inquisition within the Franciscan Order.¹⁸ The absence of such critical consideration results in part from the fact that inquisition never assumed as prominent a place in the identity of the Franciscan Order as it did for the Dominican Order. Indeed, during the thirteenth and fourteenth centuries, even as the Franciscan Order was rent by fundamental—and for some, ultimately irreconcilable—differences, inquisition did not develop as a focal point of Franciscan identity, nor did it significantly affect Franciscan understandings of the order itself or its apostolic mission. This chapter, then, seeks to understand why that was the case. It will trace the development of the Franciscan Order from its humble beginnings as a lay apostolic poverty movement through its later growth and clericalization. In doing so, it will examine the factors that led Franciscans to adopt the task of inquisition as their own, as well as the ways Franciscans might have understood their inquisitorial service, by placing inquisitorial service within the context of the Order's vow of obedience.

The Franciscan and Dominican Orders both developed during a fertile period for religious creativity. Beginning in the eleventh century, and continuing into the twelfth and thirteenth centuries, a number of religious movements developed which were dedicated to various new interpretations of the apostolic life, or *vita apostolica*. Within western Christendom, the monastic life and the apostolic life were one. The traditional framework provided by the Rule of Saint Benedict and subsequent Bene-

dans l'ancien Royaume d' Arles (vers 1260-vers 1330)," in *Frati Minori e inquisizione: atti del XXXIII Convegno internazionale*: Assisi, 6–8 ottobre 2005 (Spoleto, 2006) pp. 153–284.

¹⁷ *Frati minori e inquisizione: atti del XXXIII Convegno internazionale*: Assisi, 6–8 ottobre 2005 (Spoleto, 2006).

¹⁸ Holly J. Grieco, *A Dilemma of Obedience and Authority: The Franciscan Inquisition and Franciscan Inquisitors in Provence, 1235–1340*, Princeton University Ph.D. Dissertation, 2004; Holly J. Grieco, "Franciscan inquisition and mendicant rivalry in mid-thirteenth-century Marseille," *Journal of Medieval History* 34 (2008) pp. 275–290. In this article, I revisit the key document that Chiffolleau examined in "Les mendiants, le prince, et l'hérésie à Marseille vers 1260." I disagree with Chiffolleau's conclusions, and put forth an interpretation that leads to an important distinction in the way Franciscan identity and charism are understood during the later 13th century.

dictine reform movements envisioned the apostolic life as a life in community in which each member took a vow of individual poverty and all goods were held in common and distributed according to need. Among new adherents of the apostolic life, the call to witness to the faith through preaching and a more strict understanding of apostolic poverty became common. Many of these new groups originated as movements of laymen and -women who desired to imitate Christ and the apostles while continuing to live in the secular world.¹⁹

Apostolic poverty movements filled very real spiritual and social needs at a moment of religious and economic change within medieval society. Many laypeople had become frustrated with the limited ways in which they could live out their Christian faith—something that, in the twelfth and thirteenth centuries, increasingly seemed to be at odds with Christ's injunction to the disciples in the Gospels to preach the word as well as with the practices of the earliest communities of the faithful depicted in the Acts of the Apostles. Many of the paths taken by these men and women took directions not approved of by the institutional Church. Some laypeople sought access to the scriptures in languages they could understand; others—both men and women—sought to spread the message of that scripture within medieval society. These practices frequently resulted in official disapproval, which led some devotees of the apostolic life to reject the authority of members of the ecclesiastical hierarchy, from the level of parish priest all the way to the pope himself.²⁰ At the same time, the pastoral care provided to the laity was indifferent at best and dangerously negligent at worst, providing little guidance at a time when it was perhaps most needed.²¹

¹⁹ The classic work on this topic is Herbert Grundmann, *Religious Movements in the Middle Ages*, trans. Steven Rowan (1935; repr. Notre Dame, 1995). For economic changes in western Europe during the 12th and 13th centuries and religious responses to those changes, see Lester K. Little, *Religious Poverty and the Profit Economy in Medieval Europe*, (Ithaca, New York, 1978).

²⁰ That official disapproval took shape in *Ad abolendam*, which was issued in 1184. In the bull, Pope Lucius III set bishops the task of conducting heresy inquisitions within their dioceses. Even after the practice of employing papal legates to combat heresy began (a service initially provided by Cistercian monks in Languedoc, though later Dominicans and Franciscans became more common in this function), episcopal inquisitions continued. See Ames, *Righteous Persecution*, pp. 2, 5. On episcopal inquisitions, see Yves Dossat, "La repression de l'hérésie par les évêques," in *Le Crédo, la morale, et l'inquisition*, Cahiers de Fanjeaux 6 (Toulouse, 1971) pp. 217–251.

²¹ Although more scholarship could be done on pastoral care in the period leading up to the Fourth Lateran Council, Brenda Bolton's *Innocent III: Studies on Papal Authority and Pastoral Care* (Aldershot, Eng., 1995) discusses many of the concerns addressed by

In the early thirteenth century, Pope Innocent III moved away from the policies of his papal predecessors, most of whom were not concerned with incorporating new religious movements into the body of the Christian faithful, and who instead had sought to exclude followers of these movements from the Church. By contrast, Innocent III identified the tremendous potential that some of these religious groups held as reformers of and instructors in the faith.²² As the story of Innocent's dream suggests, the pope saw reform—and its incarnation in the figures of Dominic and/or Francis—as a way to address the very real threats facing the Church. The followers of Dominic of Caleruega and Francis of Assisi might shore up the strength of medieval Christendom and spread orthodoxy where it had been rejected before. The dedication of these men to the very ideals of apostolic poverty held dear by many whose beliefs or practices were not in line with those of the institutional Church meant that Dominicans and Franciscans might be able to reach these errant Christians in a way that members of more traditional religious orders could not.

The Fourth Lateran Council convened by Innocent III in 1215 addressed a number of growing concerns within and beyond western Christendom that stemmed from the juxtaposition of the spiritual creativity of the time and the deficient spiritual guidance provided by the clergy. Innocent's preoccupation with pastoral care led him to insist that priests and bishops become more than pastors in name only, but instead provide active spiritual guidance to the laity.²³ But shepherds do more than

the pontiff at Fourth Lateran that speak directly to the shortcomings of the pastoral care of the era. The canons adopted at the Fourth Lateran Council make it abundantly clear that pastoral care was in need of serious reform. I discuss some of the canons below in note 23.

²² Brenda Bolton, "Tradition and Temerity: Papal Attitudes to Deviants, 1159–1216," in *Innocent III: Studies on Papal Authority and Pastoral Care* (1972; repr. Aldershot, Eng., 1995) pp. 79–91; and Grundmann, *Religious Movements*, p. 31.

²³ Canon twenty-nine prohibits prelates from holding multiple benefices that require the care of souls, and states that a prelate appointed to a second benefice automatically forfeits his claim to the first. Additionally, if the cleric attempts to retain the first while claiming the second, he will lose both. *Consilium Lateranense IV*, canon 29, in *Decrees of the Ecumenical Councils, Volume One, Nicaea I to Lateran V*, ed. Norman P. Tanner, S.J. (London, 1990), p. 248. Canon nine requires bishops to provide priests who can minister to those within their dioceses who speak different languages or who worship according to a different rite within the Catholic Church. Canon ten requires bishops to preach to the faithful; if a bishop is unable to preach or meet other pastoral obligations, he must make provision for someone to perform these tasks on his behalf. *Consilium Lateranense IV*, canons 9 and 10, in *Decrees of the Ecumenical Councils*, p. 239.

provide for the needs of their sheep; they also protect them from outside dangers. In the statutes of the council, Innocent and the other clergy assembled for the council carefully articulated the necessity of guarding and protecting Christians from beliefs and practices inimical to Christianity's foundations, in an acknowledgement of popular heresy at the time.²⁴ Though the movements that would become the Franciscan and Dominican Orders had their origins before the Fourth Lateran Council, the council ultimately played a crucial role in shaping their futures. Innocent saw the potential within these newly-formed religious groups: Franciscans and Dominicans could become the leaders of a new project of reform and education that would capitalize on their distinctive spiritualities.

The origins of both orders played an important role in shaping their initial involvement in medieval inquisitions, though Franciscans and Dominicans labored against heresy well before they officially received papal commissions as inquisitors. Dominicans had natural connections to inquisition and anti-heretical activities from the beginning of the order's history. Though Dominic and his earliest followers were not formally commissioned as heresy inquisitors, by design, their preaching mission put them in daily contact with those at and beyond the margins of medieval orthodoxy.²⁵ The clerical character of the Dominican Order developed directly from Dominic's own position at Osma as a cathedral canon who followed the Rule of Saint Augustine. As an ordained priest, pastoral care already formed an important part of his way of life, which he subsequently incorporated into the mission of the Order of Friars Preachers.

The pastoral care provided by Dominicans included their service as papally-commissioned inquisitors, which began in 1231.²⁶ Though many

²⁴ The first two canons of the council addressed matters of orthodoxy and heresy. The third canon elaborated a set of practices to follow in attempting to eliminate heresy from the body of the Church. *Consilium Lateranense IV*, canons 1, 2, and 3, in *Decrees of the Ecumenical Councils*, pp. 230–235.

²⁵ Christine Caldwell Ames argues convincingly that inquisition itself is a form—albeit an extreme one—of pastoral care, and as such was an integral part of the Dominican mission. *Righteous Persecution*, pp. 1–20 and *passim*.

²⁶ Pope Gregory IX first commissioned the Dominicans at Regensburg to serve as papal inquisitors in the bull *Ille humani generis*, dated 22 November 1231. Gregory IX also sent the bull to the Dominicans at Friesach on 27 November 1231, to the archbishop of Mainz on 29 October 1232, and to the Dominicans at Strasbourg on 2 December 1232. *Les Crises de l'Inquisition Toulousaine au XIIIe siècle (1233–1273)* (Bordeaux, 1959) pp. 325–329.

scholars have written on Dominicans and heresy inquisition, Christine Caldwell Ames has most recently and most thoroughly examined the critical role of inquisition in shaping the identity of all Dominican friars, regardless of whether they had served as heresy inquisitors. Though not a task originally performed by Dominic himself, inquisition was an integral part of the Order's dedication to pastoral care and preaching. Dominicans' preparation for inquisitorial service was not found in their theological training, but rather in their pastoral mission and their dedication to the care of souls.²⁷ Ames presents a compelling case for the integration of inquisition into Dominican identity, detailing the importance of inquisition to the way all Dominicans understood their Order's charism. Still, we cannot fully understand Dominican inquisition and identity without considering the relationship of the Franciscan Order to inquisition; and understanding Franciscan identity and inquisition requires placing Franciscans within a broader mendicant context as well.

To Innocent III, Francis of Assisi represented something slightly different than Dominic. In Francis of Assisi, the pope rightly recognized a layman not only dedicated to the apostolic life, but also committed to living that life within the boundaries of the hierarchical Church. The Francis of Assisi depicted in numerous medieval *Lives* of the saint, from the earliest account by Thomas of Celano to the later account by Bonaventure, seems far removed from medieval inquisition. Franciscan literature from the thirteenth century and beyond depicts the saint in a way that encourages the reader to associate Francis with all of God's creation, from the smallest birds to the most despised leper. What we do not see in any of these sources about Francis is a focus on stamping out heresy. Rather, we see Francis rejoicing in God's creation and serving it—and God—in imitation of Christ.²⁸ Moreover, the strong identification of the Dominican Order with medieval heresy inquisition might discourage us from considering the roles that Franciscans played as heresy inquisitors. And

²⁷ Ibid. 8. Ames is not the only scholar to take this approach to Dominican inquisitorial service. Marie-Humbert Vicaire initiated this tradition. Edward Peters, "Quoniam abundavit iniquitas: Dominicans as Inquisitors, Inquisitors as Dominicans," *Catholic Historical Review* 91 (2005) p. 108, n. 6.

²⁸ Examples abound throughout the *Lives* of St. Francis written by Thomas of Celano, Julian of Speyer, and Bonaventure of Bagnoregio. Thomas of Celano, *Vita Prima Sancti Francisci*, *Fontes Franciscani*, pp. 273–424; and *Vita Secunda Sancti Francisci*, *Fontes Franciscani*, pp. 441–639. Bonaventure of Bagnoregio, *Legenda maior*, *Fontes Franciscani*, pp. 755–911. Julian of Speyer, *Vita Sancti Francisci*, *Fontes Franciscani*, pp. 1015–1095. Today's pop-cultural representations of St. Francis—who is typically depicted preaching to the animals—grew out of these very depictions in the medieval sources.

yet Franciscans did participate in medieval inquisitions—and they did so with obedience, skill, and even enthusiasm. To understand how and why Franciscans made good inquisitors, we must reexamine the Order's foundational relationship to orthodoxy and its defense, as well as consider how these concerns shaped the development of the Order itself—through both its increasing clericalization, and the contentious reactions that resulted from the process of clericalization.

Francis and his followers desired to live according to a strict interpretation of apostolic poverty founded in his frankly literal interpretation of the Gospel. In Matthew 19:21, Jesus tells the rich young man that he must give up all of his possessions in order to have treasure in heaven. The rich young man leaves the encounter bitterly disappointed, but Christ's command to divest oneself of all wealth inspired Francis to adopt such a life of renunciation for himself and his brothers.²⁹ Indeed, the *Regula bullata* of 1223, approved by Honorius III, declared, "This is the Rule and life of the Friars Minor, namely to observe the Holy Gospel of our Lord Jesus Christ by living in obedience, without property, and in chastity."³⁰ For Francis and his first brothers, this formulation encapsulated the entirety of the Franciscan life, which for many medieval Franciscans was identical to leading the Gospel life. It is by no means trivial that the Franciscan Rule became so strongly identified with the Gospel itself. Nevertheless, the Franciscan Rule, much like the Gospel, did not provide a detailed guide to living that life. The beginnings of the Franciscan Order were much less structured than those of the Dominican Order. Francis and his first brothers were almost all laymen; very few of the first brothers were ordained as priests, and though Francis wanted his brothers to engage in evangelization—indeed, evangelization was fundamental to early Franciscan identity, nowhere did he elaborate a set program for doing so.³¹

Given the popularity of heterodox apostolic poverty movements in the early thirteenth century, we might expect more concern with heresy from Francis and his followers. However, anti-heretical activity was never explicitly a part of Francis's call to the religious life. Although Francis

²⁹ Matt. 19:22.

³⁰ *Regula bullata*, 1.2, *Fontes Franciscani*, pp. 171–172.

³¹ Laurence C. Landini notes that early on, the Franciscan order lacked a governing structure. Similarly, there was no novitiate to introduce young men to the order and prepare them for life as friars. *The Causes of the Clericalization of the Order of Friars Minor, 1209–1260, in Light of Early Franciscan Sources* (Chicago, 1968), p. 35. On early Franciscan government, see Rosalind B. Brooke, *Early Franciscan Government: Elias to Bonaventure* (Cambridge, Eng., 1959).

lived in a region in which heresy was so pervasive that even prominent officials were justly suspected of heresy, his own writings featured few of them.³² Neither biographical accounts of the holy man nor stories about him emphasize heresy and his actions against it. For Rosalind B. Brooke, this absence points to Francis's spirituality and his apostolate, which embraced preaching and the Gospel life as ways to *model* orthodoxy for heretics, to be a living example of the Gospel. Mariano D'Alatri has suggested that, although we cannot find the voices of heresy and heretics in Francis's writings, the *problem* of heresy is not absent. D'Alatri points to Francis's frequent use of the term 'Catholic' to convey his dedication and faithfulness to the Roman Church and papal authority. According to D'Alatri, Francis believed that the entire way of life of the brothers should reflect this dedication: they should observe the Rule, and live, speak, and preach 'cattolicamente.'³³ In addition, Francis's focus on the natural world as God's world—created and sustained by him—made a powerful statement against the abhorrence of the material world found among some medieval dualists.³⁴ Even without an established tradition of explicitly fighting against heresy, the desire of Francis and his earliest brothers to model the Gospel message in their daily lives meant that the first Franciscans, too, were part of an anti-heretical movement, though it had not been explicitly construed as such.³⁵

Although Francis's own writings and the writings of others about Francis do not reveal a preoccupation with or dedication to combating external heresy as part of his order's mission, Francis remained deeply concerned with the orthodoxy of his followers. These concerns emerge clearly in the *Second Letter to the Faithful*, addressed to the men and women of the Franciscan Third Order.³⁶ In this letter, Francis warned of

³² Brooke, *The Image of St. Francis*, p. 10. Mariano D'Alatri has written on heresy and Franciscan inquisition in central Italy in *L'inquisizione francescana nell'Italia centrale nel secolo XIII*, (Rome, 1954) and in *Eretici e inquisitori in Italia: Studi e documenti*, 2 vols., (Rome, 1986–1987). In the latter, see specifically "I Francescani e l'eresia," vol. 1, pp. 92–93.

³³ D'Alatri, "I Francescani e l'eresia," p. 93.

³⁴ Brooke, *The Image of St. Francis*, p. 10.

³⁵ For Francis, this life required following in Christ's footprints by imitating him not only in life but also in death. This belief comes through in the *Regula non bullata* as well as in the *Second Letter to the Faithful*, addressed to the Franciscan Third Order. *Regula non bullata*, 1.1–3, *Fontes Franciscani* pp. 185–186; *Epistola ad Fideles (Recensio posterior)* 11–13, *Fontes Franciscani*, p. 79.

³⁶ I would like to thank Mary Meany for gently reminding me of Francis's (understandable) concern with orthodoxy among members of the Franciscan family despite his lack of interest in actively combatting heresy among those outside his circle of followers. Kajetan

the consequences of straying away from the light of Christ and refusing Christ's burden in favor of darkness.³⁷ It would have been inappropriate for Francis to suggest that the Brothers and Sisters of Penance take on the task of fighting against heresy; as laymen and -women, it was not part of their vocation to the religious life. Nevertheless, Francis enumerated the ways in which members of the Third Order might ensure their own orthodoxy and assume Christ's yoke in a manner fitting to their station in life. To distinguish his followers in the Third Order from members of other, possibly unorthodox movements of the time, Francis stressed the importance of placing oneself firmly under obedience to the hierarchy of the established Church, in particular by respecting priests and acknowledging their critical role as intermediaries between laypeople and God.³⁸ Likewise, the rule governing the First Order insists that the brothers must be orthodox in their faith.³⁹ Francis and his early followers desired to prove the orthodoxy of their movement, in contrast to other contemporary religious movements. Francis's mendicancy pointed intrinsically towards orthodoxy because he adopted the life lived by Jesus and his disciples in the Gospels in an almost literal fashion. In the poverty of spirit (as well as of body) that Francis and his brothers embraced, we also find an echo of the obedience of Jesus Christ himself.

The Franciscan Rule attempted to articulate Francis's charism, giving the brothers a particular vision and mission to which to aspire in their life of mendicancy. In particular, the *Regula bullata* elaborated on the vow of obedience and its relationship to the Franciscan mendicant ideal. The friar did not simply live in obedience with his community. Rather, his ties of obedience extended throughout and beyond the order, because, as "Brother Francis promise[d] obedience and reverence to the Lord Pope Honorius and to his canonically elected successors," the other brothers

Esser has shown that the life Francis outlines in the letter is deliberately anti-Cathar and anti-Waldensian. Kajetan Esser, *Der hl. Franziskus und die religiösen Bewegungen seiner Zeit*, in *San Francesco nella ricerca storica degli ultimi ottanta anni* (Todi, 1971), pp. 95–123, cited in Mariano D'Alatri, "I Francescani e l'eresia," pp. 93–94. The letter may date to the spring of 1220, after Francis returned from his journey to the Middle East. See Regis J. Armstrong, O.F.M. Cap., J.A. Wayne Hellmann, O.F.M. Conv., and William J. Short, O.F.M., eds., *Francis of Assisi. The Saint: Early Documents*, 1, (New York, 1999) p. 45.

³⁷ *Epistola ad Fideles (Recensio posterior)* 15, *Fontes Franciscani*, p. 80.

³⁸ *Ibid.* 33–36, p. 82.

³⁹ *Regula non bullata*, 19.1–3, *Fontes Franciscani*, pp. 202–203; *Regula bullata*, 2.2–3, *Fontes Franciscani*, p. 172. The *Regula non bullata* represents an earlier version of the Order's Rule which did not receive papal approval from Honorius III as the later *Regula bullata* did in 1223.

vowed to obey Francis and his successors, creating a chain of obedience that linked the humblest Franciscan friar to the pope himself.⁴⁰ The vow of obedience taken by each Franciscan in imitation of Francis's submission to ecclesial (and specifically papal) authority bound him not only to the pope, but also to the broader world of papal concerns. We find that obedience illustrated not only in the story of Innocent's dream in which Francis submits himself to the weight of the entire Church, but also in the depiction of the naked Francis receiving the bishop's mantle in the Assisi town square after rejecting his father's wealth, and in the image of Francis and his brothers on bended knees receiving permission for their way of life from Innocent III.⁴¹

The creation of these defining images of Francis in the Upper Church at Assisi, while perhaps inspired by the events of Francis's life, were not contemporaneous with it, but with a moment much later, at the end of the thirteenth century, when Franciscans had begun to serve as inquisitors and the order had become largely clerical in character.⁴² Even earlier than mid-century, however, Francis's ideal of obedience had become increasingly important and necessary within the order. As the Franciscan movement gained in popularity, the number of brothers rapidly increased, forcing the Order to face a series of challenges related to itinerancy and Francis's devotion to radical poverty.⁴³ The Franciscan Rule provided little practical discussion of the Franciscan life or guidance in understand-

⁴⁰ *Regula bullata*, 1.3–4, *Fontes Franciscani*, p. 172.

⁴¹ Brooke, *Image of St. Francis*, p. 381 (for Francis stripping naked in the Assisi town square, scene 5 in the St. Francis Cycle; and Innocent's Dream and Francis holding up the Church, scene 6 in the St. Francis Cycle); and p. 389 (for Innocent granting permission to the brothers' way of life, scene 7 in the St. Francis Cycle, but misidentified as scene 8). *Legenda maior* 2.40 contains Bonaventure's version of Francis's actions in the town square, *Fontes Franciscani* pp. 789–790. *Legenda maior* 3.10 contains Bonaventure's account of both Innocent's dream and his approval of Francis's way of life, *Fontes Franciscani*, pp. 801–803. The official approval of the rule by Honorius III can be found in 4.11. *Fontes Franciscani*, pp. 812–813. Francis's obedience and submission in these three scenes reinforce his image as an imitator of Christ, who submitted his own will to that of the Father.

⁴² Rosalind Brooke argues that Pope Nicholas IV was instrumental in commissioning the decoration of the nave of the Upper Church at Assisi. She argues that the work was commissioned in 1288 with the Minister General's approval and was completed by 1296 at the latest. For Brooke's extended argument for dating the decoration of the basilica's nave to the late 13th (as opposed to the early 14th) century see *The Image of St. Francis*, pp. 415–453. As noted above, written accounts of these scenes first appeared earlier in the 13th century.

⁴³ Richard W. Emery, *The Friars in Medieval France: A Catalogue of French Mendicant Convents, 1200–1550* (New York, 1962), p. 7.

ing how it should be implemented on a larger scale. The itinerancy that might have been feasible when Francis had only twelve followers became a threat to social order once Francis's followers numbered in the tens of thousands across western Christendom. Soon Franciscans abandoned the itinerant life described in the two extant Franciscan rules in favor of a more stable, conventual one.⁴⁴ As time passed and the order expanded, the challenges the order had faced almost from the beginning only multiplied and intensified. The Franciscan Rule reflected Francis's vision of the apostolic life as well as the concerns raised by Innocent III and other clerics at the Fourth Lateran Council in 1215. Clericalization within the Franciscan Order would be tied to pastoral care and the eradication of heresy—two concerns addressed in 1215. Within the context of reforms proposed at the council, it seemed that Franciscans might be able to meet the spiritual needs of medieval Christendom more effectively as clerics than as laymen.

As the Franciscan Order became more clerical in character, of necessity it became a more educated Order as well. Whereas Dominicans had a reputation for being educated clerics from the beginning, the first generation of Franciscans was largely illiterate laymen. Indeed, Francis's ambivalence towards education had initially been one of the primary points that distinguished Franciscans from their Dominican confreres.⁴⁵

That ambivalence is echoed in the warnings in the *Regula bullata* that discouraged illiterate brothers from seeking to learn how to read.⁴⁶ Humility, patience, and openness to the spirit and its ways could be embraced by all brothers—especially unlettered ones. This counsel concurred with statements about the brothers' work elsewhere in the Rule: through their work, the brothers should take care that "while avoiding idleness, the enemy of the soul, they do not extinguish the spirit of holy prayer and devotion to which all temporal things ought to contribute."⁴⁷ The counsel applied equally to brothers engaged in manual labor and intellectual pursuits. Whatever a friar's gifts might be, whatever work he chose or was assigned to perform, he should approach it in a spirit of prayer. Francis emphasized this point in a letter to Anthony of Padua,

⁴⁴ Landini, *The Causes of the Clericalization*, p. 103.

⁴⁵ See the *Regula bullata* 5.2–3 on keeping the spirit of prayer alive in one's work—whatever it is; and 10.8–11, which says illiterate brothers should not be anxious to learn to read. *Fontes Franciscani*, pp. 175–176 and 179–180. On Franciscan education, see Bert Roest, *A History of Franciscan Education (c. 1210–1517)* (Leiden, 2000).

⁴⁶ *Regula bullata* 10.8–9, in *Fontes Franciscani*, p. 179.

⁴⁷ *Regula bullata* 5.2–3, *Fontes Franciscani*, p. 175.

who was known as a gifted preacher and theologian of the early Order. He expressed his pleasure at Brother Anthony's service as an instructor of theology, provided that his instruction and study fostered the spirit of prayer and devotion.⁴⁸ We can conclude that Francis did not object to education and theology in themselves; rather, he remained concerned about the potential spiritual distraction that might result from their pursuit.⁴⁹

Francis's own ambivalence towards education coupled with the overwhelmingly lay status of the first friars meant that the Franciscan Order did not originally engage in pastoral care. The *cura animarum* developed over time, as the character of the order became more clerical. Within England, for example, the order's development was clerical almost from the foundation of the Oxford convent in 1225.⁵⁰ The Franciscans gained their first Parisian master in 1236, when Alexander of Hales entered the order.⁵¹ And by 1260, during Bonaventure's generalate—about fifty years after Francis sought Innocent III's approval for his way of life—it is likely that clerics finally outnumbered laymen within the Order.⁵²

This transformation within the order had a profound impact on its identity. Francis's original apostolate embraced the Gospel life and itinerant preaching. As the Franciscan mission expanded to include not only exhortatory sermons, but also *cura animarum* and doctrinal sermons, the order abandoned the ideal of fraternal equality in the relationship

⁴⁸ *Epistola ad Sanctum Antonium*, *Fontes Franciscani*, p. 55. Francis uses the same phrasing found in *Regula bullata* 5.2–3 in his letter to Anthony of Padua.

⁴⁹ Of course, education is not the only issue at stake here; ordination is also key. Francis did not insist that his order be restricted only to laymen; indeed, there were priests within the order from the beginning, though they were few in number. Over time, the number of clerical friars became more significant, until the majority of Franciscans were also ordained as priests. The two—education and clericalization—are overwhelmingly linked together. In 1237 when Gregory IX directed *Quoniam abundavit iniquitas* to the Franciscan Order, the brothers were certainly more learned than they had been at the Order's foundation. But more importantly for accepting the charge of fighting heresy (and the later responsibility of inquisition), Franciscans were more likely to be ordained as priests, and thus be able to provide pastoral care—one of the inquisitor's duties.

⁵⁰ Landini, *The Causes of the Clericalization*, pp. 86–87. Of the first nine friars to travel to England to establish the Franciscan Order there, four were clerics and five were laymen. Among the first novices accepted into the Order were four clerics and a Latin-literate layman. Because of the proximity of the Oxford house to the university, many learned men joined the Order. The character of the Franciscan Order in England reveals a marked contrast with its character in Italy, where the movement began, and where the Order's lay origins did not disappear so quickly.

⁵¹ *Ibid.* pp. 111–112.

⁵² *Ibid.* pp. 119.

between clerical and lay Franciscans.⁵³ Gradually, admission into the order was granted only to those who would be 'useful' in meeting these new goals.⁵⁴ As part of that transformation, Franciscans began to serve as inquisitors, and this task required the friars to be educated clerics. The apostolate of the Franciscan Order remained the same, but the way it was understood or interpreted shifted over time. Its fullest expression no longer came from unlettered brothers who preached the Gospel at the Spirit's urging, but from brothers ordained as priests who would administer the sacraments and provide pastoral care; and from learned brothers, trained in theology, who could articulate and defend the doctrines of the faith and interpret the rules of the order. This new way of witnessing the Gospel more closely resembled the task of inquisition, which became necessary when traditional pastoral care failed. The inquisitor and the pastor shared the same goals, but the inquisitor's office reflected the urgency of achieving them before endangering the wider community.

In a sense, as I alluded to earlier, Franciscans had fought against heresy from the beginning, simply by witnessing the Gospels and urging Christians to repent. In another sense, their ties to anti-heretical efforts developed over time, shaped by both the order's original missionary zeal and the changing needs of the institutional Church. Papal inquisition had its medieval beginnings with the bull *Ille humani generis*, which Pope Gregory IX first sent to the Dominicans at Regensburg on 22 November 1231. The pope sent the bull to a number of other Dominican houses in the years that immediately followed.⁵⁵ Within less than five years, in 1235, the papal legate and Archbishop of Vienne, Jean de Bernin, appointed the Franciscan Étienne de Saint-Thibéry to serve alongside Guilhem Arnaut, the Dominican inquisitor of Toulouse.⁵⁶ Only two years

⁵³ Though *Regula non bullata* 19.3 addresses the respect due to clerics, the Rule also stresses the importance (and goodness) of performing the work for which one is qualified and trained (7.1–16). *Fontes Franciscani*, pp. 191–192 and 203.

⁵⁴ Landini, *Causes of the Clericalization*, p. 142.

⁵⁵ Gregory IX then addressed the bull to the Dominicans at Friesach on 27 November 1231, to the archbishop of Mainz on 29 October 1232, and to the Dominicans at Strasbourg on 2 December 1232. Finally, on 20 April 1233, he commissioned the Dominicans in Languedoc to serve as papal heresy inquisitors. Yves Dossat has edited the latter in *Les Crises de l'Inquisition Toulousaine au XIII^e siècle (1233–1273)* (Bordeaux, 1959) pp. 325–329.

⁵⁶ Guillaume Pelhissou, *Chronique (1229–1244)*, ed. and trans. Jean Duvernoy (Paris, 1994), p. 90. Scholars have traditionally described Étienne as Guilhem's *socius* or co-inquisitor. Grado Merlo argues that the two men served in tandem, with equal authority as inquisitors. In support of this claim, he cites a proclamation jointly issued by the two men in their capacity as inquisitors. Merlo, "Fratelli Minori e inquisizione," pp. 15–17.

later, when Pope Gregory IX addressed the bull *Quoniam abundavit iniquitas* to the Franciscan Order, he identified extirpation of heresy as one of its duties, which it accomplished through preaching and voluntary poverty.⁵⁷ From this perspective it is easier to see how Franciscans might have incorporated inquisition into the apostolate of their order: from the beginning of its history, Franciscans sought to live out the apostolic life in a way that would be of service to the Church as a whole. As the needs of the institutional Church changed, the service provided by and demanded of the Friars Minor also changed.

Only in 1254—28 years after Francis's death—did Franciscans officially receive the commission from Pope Innocent IV to serve as inquisitors of heretical depravity in Italy, but sources do not reveal Franciscan inquisitorial activity until 1258.⁵⁸ In the Roman Province of the

Why was Étienne chosen? The contemporary chronicler Guillaume de Puylaurens had his own theory: the Franciscan had been chosen to temper the severity of the Dominican: "Adhuc quia Praedicatores ut magis rigidiores timebant, de Ordine Fratrum Minorum collega additur, qui videretur rigorem mansuetudine temperare." *Chronica magistri Guillelmi de Podio-Laurentii in Histoire des Comtes de Tolose*, by Guillaume Catel, (Toulouse, 1623) p. 89. Also see Guillaume de Puylaurens, *Chronique, 1145–1275*, ed. and trans. Jean Duvernoy (1976; repr. Paris, 1996) p. 160. Though Mariano D'Alatri misdates the beginning of Étienne's service in Toulouse, he rightly notes that when Franciscans began to serve officially as inquisitors, they had already been serving in some capacity in a number of locations. In addition to Toulouse, Franciscans served as companions to Dominican inquisitors in Navarre and Lombardy. *Eretici e Inquisitori in Italia*, vol. I, p. 91.

⁵⁷ Gregory IX addressed the bull *Quoniam abundavit iniquitas* to the Franciscan Order in 1237. The same bull had been sent to the Dominican Order as early as 1221. According to Landini, that Gregory sent the bull to the Franciscans 16 years after sending it to the Dominicans suggests that the two orders were becoming more and more alike. That is, the Franciscan Order was assuming an increasingly clerical character. Landini, *Causes of the Clericalization*, pp. 65–66; Johannes Hyacinthus Sbaralea, ed., *Bullarium Franciscanum Romanorum Pontificum Constitutiones, Epistolas ac Diplomata Continens Tribus Ordinibus S.P.N. Francisci Spectantia* (henceforth, *BF*), 4 vols. (1759–1768; repr. Assisi, 1983–1984), 1:214, no. 224. When Gregory IX addressed *Quoniam abundavit iniquitas* to the Franciscan Order in 1237, he addressed an order substantially different in character from the one initially envisioned by Francis of Assisi, as Landini notes. Gregory IX had previously appealed to the Franciscans (and Dominicans) of Milan in the effort to eliminate heresy within the city in a bull from 1 December 1233. I thank Donald Prudlo for this reference. *Bullarium Ordinis Fratrum Praedicatorum: sub auspiciis SS. D.N.D. Benedicti XIII, pontificis maximi, ejusdem Ordinis*, (Rome, 1729), pp. 65–66, no. 105. It is also worth noting that the Franciscans received *Quoniam abundavit iniquitas* two years after Étienne de Saint-Thibéry began serving alongside the Dominican inquisitor of Toulouse.

⁵⁸ Landini, *Causes of the Clericalization*, pp. 70–71. Mariano D'Alatri confirms this commission, but notes that there is no evidence of Franciscan inquisitorial activity until four years later, in 1258. I will return to this point shortly. Mariano D'Alatri, "San Bonaventura, l'Eresia, e l'Inquisizione," *Miscellanea francescana* 75 (1975) p. 311.

Order, Innocent IV's letter commissioning Franciscans as inquisitors dates to 18 March 1254. Franciscans served as inquisitors throughout other provinces in Italy, including those in central Italy and the Veneto. D'Alatri suggests that Innocent IV may have been trying to capitalize on the popularity of the Franciscan Order by commissioning its members to serve as inquisitors in multiple locations in the Italian peninsula.⁵⁹ The call to serve in southeastern France came the same year, when Innocent appealed to the Franciscans to assume inquisitorial responsibilities abandoned by the Dominicans in Provence. In southeastern France, Dominicans had served as inquisitors since the start of papally-commissioned inquisition in the region.⁶⁰ After facing increasing opposition from townspeople as well as from members of their own order, Dominican inquisitors definitively abandoned their post at Avignon in 1249, even as Dominican inquisitors at Toulouse began to find their task a little easier.⁶¹ Popes Innocent IV and Alexander IV sent out appeals to the Franciscan Order, perhaps in an attempt to entice the Dominicans to return to their posts,⁶² yet despite these early papal entreaties, no firm evidence for papally-commissioned Franciscan inquisitions in Provence exists until 1263.⁶³

⁵⁹ D'Alatri, "L'inquisizione in Italia negli anni 1250-1274," in *Eretici e Inquisitori in Italia: Studi e Documenti*, vol. 1, (Rome: 1986) p. 129. D'Alatri does not completely dismiss out of hand Raoul Manselli's suggestion that Franciscans were chosen to replace Dominicans as inquisitors in the majority of Italian provinces because of the hostility Dominicans faced due to their supposed 'excessive rigor' as inquisitors. "L'inquisizione in Italia negli anni 1250-1274," p. 128. Interestingly, this claim mirrors that given by the Dominican chronicler Guillaume de Puylaurens as a reason why the Toulousain inquisitor, Guillaume Bertrand, was given a Franciscan co-inquisitor. See above, note 56.

⁶⁰ See note 55 above.

⁶¹ In 1249, the Dominican inquisitors at Avignon had captured several heretics who were imprisoned in the episcopal household. In protest, townspeople besieged the bishop's residence, freeing one captive and preventing the inquisitors from judging the others before the tribunal. See Dossat, "Débuts de l'Inquisition," pp. 567 and 574. Also see Dossat, *Les Crises de l'Inquisition Toulousaine*, p. 170. Here, Dossat suggests that internal opposition to the inquisition may have been a factor in Dominican inquisitors' decision to depart from Avignon. Mark Pegg has written on the "great" inquisition carried out by two Dominicans, Bernard de Caux and Jean de Saint-Pierre, between 1245-1246 in *The Corruption of Angels*.

⁶² Yves Dossat, "Les origines de la querelle," p. 317.

⁶³ Yves Dossat argues that Franciscans must have begun acting as inquisitors in Provence starting in 1258-1259, but cites no documents that support this claim. Dossat, "Les origines de la querelle," pp. 317-318. See also Dossat's article "Débuts de l'Inquisition," pp. 561-579. Innocent IV wrote the Dominicans at Paris on 11 July 1254 and again on 13 July 1254, requesting them to enlist (or re-enlist, as the case was) in the fight against heresy. Innocent IV sent a letter in the exact same form as no. 4111 to the

Understanding possible reasons for the delay between papal commissioning and actual Franciscan inquisitorial service as well as reasons for the gap in the sources requires considering not only the Order's foundation and its history, but also the contemporary context in play. Mariano D'Alatri has argued that the delay may indicate a reluctance on the part of the Franciscan Order not only under the generalate of John of Parma, who served from 1247–1257, but also during the first few months of Bonaventure's generalate, which began in 1257 and continued until 1274, to adopt the task of inquisition as its own.⁶⁴ Only in 1258, after Bonaventure had served as Minister General for twenty months, do papal documents begin to attest to the activity of Franciscan inquisitors in Italy. Comparing the complete lack of Franciscan evidence for this period of time with the corresponding wealth of evidence of Dominican inquisitorial activity, D'Alatri argues that something must have changed that led Franciscan friars to begin serving as inquisitors in Italy four years after Innocent IV first commissioned them.⁶⁵ Franciscans might have agreed to serve as inquisitors in 1258 due to factors related to the resignation of John of Parma as Minister General in 1257 under pressure from Pope Alexander IV.⁶⁶ Though no concrete proof exists of John of Parma's opposition to Franciscan inquisition, he did resist accepting other papal privileges while Minister General of the Order.⁶⁷ Bonaventure might have accepted the commission simply because he was particularly sensitive to

Franciscans on 21 July 1254. Joseph De Laborde, ed., *Layettes du Trésor des Chartes*, vol. 3 (Paris, 1875) no. 4111, pp. 215–216; no. 4112, pp. 216–217; and no. 4113, p. 216 respectively. Alexander IV repeated these requests a year later in a bull from 13 December 1255 addressed to the Provincial Prior of the Dominicans in France and to the Guardian of the Franciscans at Paris. *Layettes*, vol. 3, no. 4224, p. 281. By contrast, there is firm evidence that Guilhem Bertrand was already a heresy inquisitor as of 25 November 1263, when he was mentioned as such in a bull of Urban IV. *BF* 2:527, no. 108.

⁶⁴ D'Alatri, *L'Inquisizione francescana* p. 43. On the generalate of John of Parma, see David Burr, *The Spiritual Franciscans: From Protest to Persecution in the Century After Saint Francis*, (University Park, Penn., 2001) pp. 29–32.

⁶⁵ D'Alatri, "San Bonaventura, l'eresia, e l'Inquisizione," p. 313. There are challenges with arguing from silence, but D'Alatri makes a reasonable case. See also D'Alatri, *L'inquisizione francescana*, p. 44.

⁶⁶ The Franciscan chronicler, Salimbene da Parma, argued that papal opinion had turned against John of Parma because of his Joachimism, even though Alexander IV and Nicholas III had once admired him for his erudition and holiness. Burr contrasts Salimbene's take on John's resignation with the account presented by Angelo Clarenò, who argues that papal sentiment mobilized against the Minister General because of his devotion to a poverty and simplicity long-abandoned by the majority of Friars Minor. Burr, *The Spiritual Franciscans*, pp. 29–31.

⁶⁷ D'Alatri, "San Bonaventura, l'eresia, e l'Inquisizione," p. 319.

matters of orthodoxy and because the pope had asked at a moment when heresy was a serious concern within Italy. Moreover, heresy was not simply a concern external to the Franciscan Order in 1258: in the late 1250s, the Franciscan Order had to defend its own reputation for orthodoxy against charges of Joachimism, which had become popular among certain members of the order, including the former Minister General, John of Parma.⁶⁸ Finally, D'Alatri suggests that the Franciscans may have hoped to emulate the Dominicans, who had found so much success (relatively speaking) in the inquisitorial enterprise.⁶⁹

The concerns raised by D'Alatri address a number of issues pertinent to questions about the relationship between Franciscan identity and inquisition. In the mid-thirteenth century, several members of the Franciscan Order had been accused of promoting and expanding upon the beliefs of the Calabrian Abbot, Joachim of Fiore, whose works had been condemned by Innocent III at the Fourth Lateran Council.⁷⁰ The Order thus found itself—not for the last time—in need of confirming its orthodoxy. As a partial remedy, Bonaventure, the Order's new Minister General, returned to the ties of obedience and submission created between the papacy and the Franciscan Order when Francis himself received permission for his way of life from Innocent III and papal approval of the Rule from Honorius III. Franciscans later began to serve as inquisitors of heretical depravity under his generalate. Indeed, a few years later, Bonaventure would again emphasize the historical relationship between the pope and the Franciscan Order as well as the historical submission of Francis and his brothers to the papacy and the Church in the *Legenda maior* when he retold the story of Innocent's dream and depicted Francis's body bent in submission under the weight of the Church.

Ultimately, the reasons for the Franciscans' delay in accepting the papal commission to serve as heresy inquisitors remain unresolved. Whether or not we accept D'Alatri's hypothesis that Franciscans hesitated to serve in this capacity, it is clear that in the years following this delay, as Franciscans began to take up the task of inquisition in Italy and south-eastern France, they did so with determination and success. Although there is no universal measure of their success, and medieval inquisitors

⁶⁸ Ibid., p. 320. Burr, *The Spiritual Franciscans*, pp. 29, 31.

⁶⁹ D'Alatri, "San Bonaventura, l'eresia, e l'Inquisizione," p. 320. Of course, in some cases, Franciscans took over inquisitions from Dominicans who had experienced so many challenges that they resigned their commissions.

⁷⁰ *Consilium Lateranense IV*, canon 2, p. 231.

always struggled to fulfill their duties, Franciscan inquisitors drew on the tools and privileges at their disposal and cultivated the relationships necessary for administering an inquisition. They relied upon strong relationships with local secular authorities and the lay populace; they used the extraordinary ecclesiastical privileges granted to them by the pope to their advantage; and they benefited from the wisdom and experiences of earlier inquisitors who, in some cases, had compiled manuals that could guide an inquisitor in his task. The task was never easy, as Dominican successes and failures had made clear. Nevertheless, by the early 1260s, sources from Italy and France reveal not only an expanding number of Franciscan inquisitors, but also their impressive work in this office, even under trying conditions.⁷¹

One such Franciscan inquisitor who served in the provinces of Umbria and Lazio, fra Andrea da Todi, began his service before 1259.⁷² In many respects, fra Andrea's career as an inquisitor bears the marks of his success in this office. As an inquisitor, Andrea received from Pope Alexander IV the privilege of absolving members of his inquisitorial *familia* from excommunication and releasing them from interdict. He used this privilege to restore twelve citizens of Spoleto and their familiars, who served as lay officials of the inquisition, into communion with the Church.⁷³ Such a privilege permitted Andrea to maintain the continuity of his service, by allowing him to perform actions otherwise forbidden to him.

Though his task must have been dangerous, fra Andrea remained steadfast in his prosecution of heresy. As Mariano D'Alatri has shown, Alexander IV ordered the Franciscan to persevere, even though some of his Franciscan confreres urged him to curb his anti-heretical activities.⁷⁴ Perhaps because of the risk involved in aiding the inquisitor, Andrea could find no local notaries to assist him. Instead, he had to rely on other Franciscans to serve in this capacity during his tenure. Despite this irregularity, the sentences recorded by these friar-notaries seem to have had a long-lasting effect in the Duchy of Spoleto.

With skillful Franciscan notaries and an expanded range of ecclesiastical powers upon which to draw, fra Andrea met with reasonable success as an inquisitor in Umbria and Lazio. Though he did face challenges,

⁷¹ Among other work, see that of Mariano D'Alatri, who has studied inquisition in Italy extensively. *L'inquisizione francescana* and *Eretici e inquisitori*. Also see Grieco, "Franciscan inquisition and mendicant rivalry."

⁷² D'Alatri, *L'inquisizione francescana*, p. 49.

⁷³ *Ibid.*, p. 50.

⁷⁴ *Ibid.*

ironically one of the most interesting of these pays tribute to his overwhelming success at mobilizing lay support: at one point under his purported watch, the citizens of the region including Rome, Viterbo, and the communes of Tuscany prepared themselves for armed conflict against the heretics.⁷⁵ Laypeople were so moved to eradicate heresy that they raised an army, and Andrea temporarily lost control of his inquisition. Soon after, in order to help him maintain control of the fight against heresy, fra Andrea received two coinquisitors with whom he shared authority within the provinces of Umbria and Lazio.⁷⁶

In 1258, Giovanni Oliva—another Franciscan inquisitor—met with little initial success in Florence. Despite inquisitorial successes enjoyed elsewhere in the Tuscan communes, the citizens of Florence refused to let the friar-inquisitor conduct his work: they prevented him from preaching and expelled him from the city. Perhaps those with heretical or Ghibelline sympathies recalled the challenges mounted against the Guelf cause in 1244 when the Dominican Peter of Verona aided the bishop and papal inquisitor by rousing the populace to armed support of the Church party within the city.⁷⁷ In 1258, the Franciscan inquisitor lacked such support from the people of Florence. Instead, he made use of the only ecclesiastical punishment that remained for him, and placed the people of Florence under a sentence of interdict.⁷⁸

The challenges fra Giovanni experienced in Florence did not extend throughout his inquisitorial province, and he conducted his inquisition against heresy with more ease in the commune of San Gimignano in 1259. In keeping with the role mendicant friars had played as reformers of municipal statutes since the Great Devotion of 1233,⁷⁹ the inquisitor

⁷⁵ In fact, these actions were not uncommon in this time and place. As Donald Prudlo describes, Peter of Verona was instrumental in helping to organize popular resistance to the pro-Imperial party (with which many heretical families had allied themselves) in Florence in 1244. Peter was called to Florence by Bishop Ardingo and the papal inquisitor, Ruggiero Calcagni, to reinforce the position of the Guelf party. Peter's preaching played a key role in rousing the people of the city to act against Cathar heretics as well as Ghibellines. *The Martyred Inquisitor*, pp. 42–44; 48.

⁷⁶ D'Alatri, *L'inquisizione francescana*, p. 54.

⁷⁷ See note 75 above.

⁷⁸ D'Alatri, *L'inquisizione francescana*, p. 81. As D'Alatri notes, the people of Florence had been placed under a sentence of interdict in 1256, and Giovanni Oliva renewed that sentence in 1258.

⁷⁹ Augustine Thompson, O.P., *Revival Preachers and Politics in Thirteenth-Century Italy: The Great Devotion of 1233*, (Oxford, 1992). Thompson explains that the friars seemed both free from economic self-interest because of their vows of poverty and disassociated from local politics because of their itinerant lifestyle, which meant that

demanded that laws against heresy be incorporated permanently into the commune's statutes. The citizens of San Gimignano had accepted an earlier sentence passed by Giovanni Oliva that turned over a local heretic to the secular arm for punishment, but they did not respond so easily to these new demands. The inquisitor retaliated by using the ecclesiastical weapons of excommunication and interdict, and eventually succeeded in forging an agreement with the commune.⁸⁰ The Franciscan recognized that he required the support of San Gimignano's citizens in order to pursue heresy effectively within and outside of the commune. In the commune, Giovanni Oliva used the extraordinary ecclesiastical privileges granted to inquisitors to his advantage. Presumably the threat (and reality) of these ecclesiastical weapons aided the inquisitor in developing a compromise with the citizens of the commune. Still, according to D'Alatri, normal functioning of Franciscan inquisition did not begin in San Gimignano until 1270, under fra Giacomo, when sixteen lay officers of the inquisition were finally elected, ushering in a period of relative "tranquility."⁸¹

Though the historical documentation of Franciscan inquisitions is considerably less plentiful for southeastern France, evidence from one particular inquisitorial trial in Marseille in 1266 suggests that Franciscans successfully established their inquisition there as well. The two Franciscan inquisitors in that city worked tirelessly in pursuit of heretics even as they struggled against the conspiratorial plotting of their local Dominican confreres.⁸² A number of Dominican friars in the city sought to reclaim the office of heresy inquisition for their own order by accusing one Franciscan inquisitor of treason against the count of Provence. Over a period of several years, the Dominicans developed an elaborate conspiracy against the Franciscan inquisitor, going so far as to coerce two

municipal governments were often open to the friars' involvement in the reformation of city statutes. See *Revival Preachers and Politics in Thirteenth-Century Italy*, pp. 179 and 183.

⁸⁰ D'Alatri, *L'inquisizione francescana*, p. 79.

⁸¹ *Ibid.*, pp. 79, 81. Even after 1270, according to D'Alatri, that tranquility only existed "all'ombra di una squadra armata di famigli devoti." Of course, circumstances really were not substantially different elsewhere, so if the inquisition functioned—even if under the protection of an armed *famiglia*, then it had attained a measure of success.

⁸² Grieco, "Franciscan inquisition and mendicant rivalry," pp. 275–290; Chiffolleau, "Les mendiants, le prince et l'hérésie," pp. 3–19. Chiffolleau and I reach significantly different conclusions about Franciscan inquisition and the ability (and suitability) of Franciscans for the task.

local priests into bearing false testimony against him. This dramatic tale resulted in the prosecution of the two priests by the second inquisitor for perjury, the public punishment and reconciliation of the Dominicans involved, and the transfer of three Dominicans to convents in different provinces.⁸³ Additionally, to limit future tensions and rivalry between the two orders, Pope Clement IV decreed that Franciscan and Dominican inquisitors were forbidden from proceeding against members of the other order.⁸⁴

This conflict in Marseille embodies some of the differences in the ways in which Dominicans and Franciscans understood their service as heresy inquisitors, as well as the relationship between this service and their particular mendicant identities. Dominican friars at Marseille in the 1260s surely knew that members of their order had served as inquisitors in Provence before abandoning their position in 1249. These men now witnessed Franciscan success at the very same task. Inquisition and heresy fighting held a prominent—foundational, even—position within the Dominican Order, and it may very well have been frustrating for the Dominicans of Marseille to see the city's Franciscans engaged in that very same office even as Dominicans elsewhere in France and in Italy continued to serve as inquisitors. Christine Caldwell Ames and Donald Prudlo have demonstrated how integral inquisition was to Dominican identity in the Middle Ages. The earliest Dominican historians reinterpreted Dominic's own history in light of the inquisitorial service that had become so important to the order: in their works, the founder of the Order of Preachers became an inquisitor, though he had never served as one during his lifetime.⁸⁵ In the bull of canonization issued in 1234, Pope Gregory IX explicitly linked Dominic's sanctity, the order's mission, and inquisition.⁸⁶ The Dominican apostolate had become interwoven with the defense of the faith, and the order's way of living the apostolic life

⁸³ Grieco, "Franciscan inquisition and mendicant rivalry," p. 285.

⁸⁴ *Ibid.*, p. 286.

⁸⁵ Ames, *Righteous Persecution*, pp. 95–96. Donald Prudlo discusses the formation of the cult of Peter of Verona in *The Martyred Inquisitor*, pp. 98–100. According to Prudlo, "Peter, who was only formally an inquisitor for under a year, and Dominic, who was never one, started to be presented as prototypical inquisitors." *The Martyred Inquisitor*, p. 101. As someone who died in service to the faith, Peter Martyr also came to be described as *alter Christus*, as a way of countering Franciscan spirituality that focused on Francis's imitation of Christ (and the stigmata as proof of his success in that imitation). *The Martyred Inquisitor*, p. 123.

⁸⁶ Ames, *Righteous Persecution*, p. 102.

and as a result, its particular sanctity became associated with its role as defenders of Christ and the Church.⁸⁷

The Order of Friars Minor lacked such a tradition. Franciscans never attempted to fashion an identity explicitly linked to inquisition, nor did they attempt to connect the order's inquisitorial service to Francis of Assisi's own actions. As I have argued elsewhere, Franciscans did not need to rely on their service as inquisitors as proof of their holiness or dedication to the apostolic life.⁸⁸ Perhaps with these different origins in mind, at least one scholar has questioned the suitability of Franciscans for the rigors of the inquisitorial office, suggesting that the founding precepts of the Order as well as its ties to the fringes of Christian orthodoxy made their task more challenging.⁸⁹

And yet the evidence we have from Franciscan-administered inquisitions in Marseille in the 1260s, suggests that the friars approached their task with great skill, drawing upon traditional resources available to heresy inquisitors. Franciscan inquisitors in Marseille relied in part upon the popularity of the Order within Provence to gain the support of laypeople within the city and wider region. Indeed, by 1266 Franciscans had established three times as many convents in Provence than the Dominicans had.⁹⁰ But Franciscans needed more than lay support; to administer the office of inquisition successfully, they also required the cooperation of the Count—Charles I of Anjou—who provided much-needed financial as well as military support.⁹¹ Marseille's Franciscan inquisitors made their presence known in the city and drew on resources typical of other medieval inquisitors, who relied on companions, or *socii*, to assist with daily affairs and a *familia* charged with protecting the inquisitors as well as arresting and intimidating suspects.⁹²

In southeastern France and Italy, Franciscans quickly established themselves as inquisitors after receiving their papal commission. Though the task was by no means simple, Franciscans do not seem to have had

⁸⁷ Ibid., ch. 2, "Holy Inquisitors," pp. 57–93; also see Bernard Montagnes, "Les inquisiteurs martyrs de la France méridionale," in *Praedicatores, inquisitores I: The Dominicans and the medieval inquisition. Acts of the 1st international seminar on the Dominicans and the inquisition* (Rome, 2004) pp. 513–538. Also see Grieco, "Franciscan inquisition and mendicant rivalry," p. 288.

⁸⁸ Grieco, "Franciscan inquisition and mendicant rivalry," p. 288.

⁸⁹ Chiffolleau, "Les mendiants, le prince, et l'hérésie à Marseille," pp. 17–18; Grieco, "Franciscan inquisition and mendicant rivalry," pp. 288–289.

⁹⁰ Emery, *The Friars in Medieval France*, pp. 6, 10–11, and *passim*.

⁹¹ Grieco, "Franciscan inquisition and mendicant rivalry," p. 287.

⁹² Ibid., p. 289.

a substantially different experience in serving as inquisitors than others in the Middle Ages. Some scholars of Franciscan history have pointed to an incompatibility between an 'authentic' Franciscanism and inquisitorial service, and have sought to understand how such a paradox was resolved by medieval Franciscans. They have even suggested that contemporary Franciscans struggled with this paradox.⁹³ Yet no contemporary evidence bears witness to these kinds of concerns. Although engaged in anti-heretical efforts through preaching and living the Gospel life, Franciscans did not rely upon their identity as inquisitors as a mark of that life or of their order's holiness.⁹⁴ Thus, Franciscans acted as inquisitors, but understood inquisition as one service, among many, that the Order provided within medieval Christendom. Grado Merlo has, rightfully, I believe, identified the paradox of Franciscan inquisitors as something that has troubled historians of the Franciscan Order, but which did not seem to make any impression on medieval Franciscans.⁹⁵

In fact, Franciscans had been actively serving as papally-commissioned inquisitors for more than 10 years before issues pertaining to inquisition became incorporated into the statutes adopted at the Order's General Chapter, which was held every three years at Pentecost. At Lyons in 1272, Strasbourg in 1282, and Paris in 1292, the brothers addressed the place of inquisition within the order. In the statutes from these three general chapters, the assembled Franciscans integrated inquisition into the fabric of the order. Little concern emerges from these statutes over the propriety of Franciscan inquisition. These statutes do, however, reveal a desire to regulate or legislate Franciscan participation and service as inquisitors, by determining how inquisitors should be reimbursed for their expenses, how inquisitors should go about resigning their posts, the kinds of penances Franciscans might impose in their capacity as inquisitors, and what kind of men might serve in this role.⁹⁶ Inquisition was

⁹³ Merlo discusses the work of Leonardo Pisanu and Mariano D'Alatri in this regard. In particular, see L. Pisanu, *Innocenzo IV e i francescani (1243–1254)*, (Rome, 1968), cited in Merlo, "Frati minori e inquisizione," pp. 11–12.

⁹⁴ Grieco, "Franciscan inquisition and mendicant rivalry," p. 288.

⁹⁵ Merlo, "Frati minori e inquisizione," pp. 20, 24.

⁹⁶ At Lyons in 1272, statutes said only *viros discretos et maturos* might be selected to serve as inquisitors. In addition to the selection of inquisitors, this General Chapter also forbade the imposition of monetary penances and punishments by inquisitors and allowed inquisitors to submit expense reports for reimbursement. Heinrich Denifle and Franz Ehrle, *Archiv für Literatur- und -Kirchengeschichte des Mittelalters*, 6 (Freiburg,

not unusual, in other words; the brothers who served in this capacity engaged in one form of work appropriate to those with a Franciscan vocation. Nevertheless, these General Chapter Constitutions reveal Franciscans reinforcing and clarifying the position of inquisition within the Order. If the Franciscans had been involved in anti-heretical activities from the beginning simply by preaching and acting as living exemplars of the Gospel life, the addition of inquisitorial service would not mark an unprecedented claim, and there would be no need to legislate against it. These statutes reveal no concern over whether inquisition was an appropriate task for Franciscans to undertake. The greatest fear they raised pertained to the contact inquisitors had with the seized property, possessions, and money of those whom they accused and condemned.

Antonio Rigon, among others, has shown that the temptations faced by inquisitors—whether Franciscan or Dominican—were often too difficult to resist. It seems that the Franciscan General Chapters of Lyons and Paris raised valid concerns: in 1302, Pope Boniface VIII found that he could not ignore complaints against the Franciscan inquisitors in the Veneto, and he suspended them from the inquisitorial office in that region. As a result, an investigation was launched into the practices of two Franciscan inquisitors, Boninsegna da Trento and Pietrobono Brosemini, who served in the cities and dioceses of Padua and Vicenza.⁹⁷ The inquisitors and their confreres faced a number of charges, detailed in the *Liber contractuum*: extortion, concealment of documents, and acting without the involvement of local bishops. Boniface replaced the Franciscans with Dominicans, who behaved in a similar manner: in

1892) p. 44. These issues were raised again at the 1292 chapter in Paris. Michael Bihl, ed., "Statuta Generalia Ordinis edita in Capitulis Generalibus celebratis Narbonae an. 1260, Assisii an. 1279 atque Parisiis an. 1292 (editio critica et synoptica)," *Archivum Franciscanum Historicum* (hereafter *AFH*) 33 (1940) pp. 51 and 77. The General Chapter at Strasbourg in 1282 decreed that only those men born without a *defectum natalium*—that is, only those who were legitimate children—could serve as inquisitors. This requirement applied to clerics more generally in the Middle Ages. The order also reiterated the procedure for resignation and selection of a successor. Geroldus Fussenegger, ed. "Definitiones Capituli Generalis Argentinae celebrati anno 1282," *AFH* 26 (1933) p. 136. Also see Giuseppe Abate, ed., "Gli statuti del Capitolo Generale di Strasburgo (1282) secondo un antico codice umbro," *Miscellanea Franciscana* 33 (1930) 80. The edition presented by Abate differs from that edited by Fussenegger. It does not contain the provision against 'natural' children.

⁹⁷ Antonio Rigon, "Fratelli Minori, inquisizione e commune a Padova nel secondo duecento," in *Il Liber contractum dei Fratelli Minori di Padova e di Vicenza (1263–1302)*, ed. Elisabetta Bonato (Rome, 2002) p. VI.

1307–1308, Pope Clement V opened a second investigation into charges made against the Dominican inquisitors.⁹⁸

The *Liber contractuum*, recently edited by Elisabetta Bonato was compiled by the communes and contains copies of documents dating from 8 May 1263 to 27 August 1302.⁹⁹ It begins with a series of depositions and ends with contributions from procurators and others on behalf of the Franciscan inquisitors. Each document included in the collection includes a summary as well as a description of the notarial register from which it came.¹⁰⁰ As Rigon has shown, the collection gives scholars great insight into the circumstances and contexts of the actions recorded in notarial documents,¹⁰¹ as well as reveals the extent of the abuses at hand, which seem to have extended beyond the level of the Franciscan inquisitors to involve not only the provincial ministers, guardians, and custodians, but also simple friars.¹⁰² In other words, the *Liber contractuum* disproves previous claims that inquisitorial corruption was limited to a small number of individuals and shows that corruption was widespread, at least in the Veneto.¹⁰³

Still, these abuses point to general challenges faced by any individuals who served as inquisitors or who had access to the property seized by them, and say little or nothing about the suitability of Franciscans (or Dominicans, for that matter) for the task. It is important to stress that amidst accusations of corruption and plentiful documentation attesting to abuses, Franciscans did not question the propriety of their involvement in the office. Even at the beginning of the fourteenth century, at a moment of extreme crisis and growing schism, in which competing factions struggled to define the true nature and future course of the order, Franciscans continued to serve as inquisitors, and to do so with integrity.¹⁰⁴

⁹⁸ Ibid. In his article in this volume, Rigon notes that additional investigations were launched later in the 14th century against both Franciscans and Dominicans.

⁹⁹ Elisabetta Bonato, ed., *Il Liber contractuum dei Frati Minori di Padova e di Vicenza (1263–1302)*, (Rome, 2002).

¹⁰⁰ Rigon, “Fрати Minori, inquisizione e commune a Padova nel secondo duecento,” p. XIII.

¹⁰¹ Ibid., p. XV.

¹⁰² Ibid., pp. XVII–XVIII.

¹⁰³ Ibid., pp. XVIII–XIX. See note 69, in which Rigon shows that this claim was put forth by Luke Wadding, one of the earliest historians of the Franciscan Order. More recently, as Rigon demonstrates, Mariano D’Alatri has put forth a similar claim.

¹⁰⁴ One example of such an inquisitor is provided by the Dominican Lanfranc of Bergamo, who served as an inquisitor from 1292 until 1305. See part two of Marina Benedetti’s *Inquisitori Lombardi del duecento*, (Rome, 2008). Another example—though less well-documented than Lanfranc—is the Franciscan Guilhem Astre, who served as

That moment of crisis in the fourteenth century grew out of the changes the Order had experienced through the mid-thirteenth century, when differences of opinion that had existed within the Order almost since its foundation became exacerbated. By the later thirteenth century, the number and intensity of these differences multiplied, and the Order split into two opposing factions. The so-called Spiritual Franciscans, on one side of this divide, were dedicated to a radically conservative interpretation of the rule, and desired to follow Francis's rule more literally. On the other side were the members of the Community, sometimes called Conventuals, who maintained that the Order should respond by meeting the current needs of the Church.¹⁰⁵ Some Franciscans lived out their dedication to the founder's ideals by serving as inquisitors of heretical depravity, while others questioned the directions the Order had taken as a whole and looked back towards a simpler interpretation of the Franciscan life. At what might be considered the climax of this schism, the Franciscan inquisitor of Marseille sentenced four Spiritual Franciscans in a public ceremony on 7 May 1318. These men were delivered to the secular arm and later burned at the stake before an assembled crowd. In the confrontation between the inquisitor, Michel Le Moine, and the four condemned Spirituals, the Franciscan Order had an opportunity to assess its vows and pass a judgement on the qualities that defined the Franciscan mission and ideal in the early fourteenth century.

an inquisitor in Provence from 1322 until 1332. A bull from 15 October 1323 is the first mention of Guilhem as an inquisitor in Provence. *Bullaire de l'Inquisition française au XIVe siècle et jusqu'à la fin du grand Schisme*, ed. Jean-Marie Vidal, (Paris, 1913) p. 85, no. 49. In note three on p. 86, Vidal suggests that Guilhem was probably named an inquisitor in 1322, which fits the chronology provided by another bull from 27 October 1327 in which Pope John XXII suspended the five-year term limit on inquisitorial service in order to allow Guilhem to continue to serve as an inquisitor. See *Bullarium Franciscanum Romanorum Pontificum Constitutiones, Epistolas, ac Diplomata Continens Tribus Ordinibus S.P.N. Francisci Spectantia*, ed. Conrad Eubel, (Quaracchi, 1898) 5, p. 333, no. 684. As a reward for a decade of service, John XXII rewarded Guilhem with the bishopric of Apt in 1332, citing, among other things, the honesty of his morals. *Bullarium Franciscanum*, 5, p. 529, no. 984.

¹⁰⁵ These are, of course, generalizations that flatten the diversity that existed within each faction. Spiritual Franciscans did not themselves agree on a single way to live the Franciscan life. In fact, Peter Olivi, perhaps the most widely-recognized Spiritual Franciscan reveals his agreement with Bonaventure's understanding of Franciscan poverty in his *Tractatus de usu paupere*. For this reference, and an excellent account of the history of Spiritual Franciscans within the larger Franciscan family, see Burr, *The Spiritual Franciscans* p. 60, as well as his chapter in this volume.

In his sentence against the four Spiritual Franciscans at Marseille, Michel Le Moine reflected upon his understanding of Franciscan ideals and the way they should be put into practice. The inquisitor had originally been charged with interrogating a group of twenty-five spirituals who had refused to accept the bull *Quorundam exigit* and Pope John XXII's twofold assertion that the vow of obedience was the most important vow taken by the Franciscan and that the Franciscan first and foremost pledged the obedience of his vow to the pope himself. Additionally, John argued that papal authority extended to the content of the Franciscan Rule, which he could alter if he chose to do so.¹⁰⁶ Of the twenty-five friars Michel Le Moine interrogated, four refused to recant.

Michel first set out the claims made by the four Spirituals. According to his assessment, the friars argued that they could not be bound by John XXII's declarations in *Quorundam exigit* because the pope did not have the authority to make such pronouncements. The brothers would make no concessions to papal authority: they would continue to wear their short, tight habits instead of donning the ones the Minister General wished them to wear; and they would not concede that Franciscans could store wine and grain for the future without violating the Gospel and the Rule. Indeed, they believed that the changes the pope made to the Franciscan Rule in *Quorundam exigit* not only went against the precepts of the Franciscan Rule, but they also violated Christ's counsel in the Gospel.¹⁰⁷

Michel then turned to elaborate his own understanding of the relationship between the Rule and the Gospel, which focused (as did John XXII's interpretation) on the ideal of obedience. The Franciscan inquisitor discerned an important distinction between the Rule and the Gospel. The Church accepted the Gospel, he argued; it "neither changes, nor corrects, nor confirms [it]."¹⁰⁸ Religious rules are different: they are subject to revision and approval, and only receive their force through the authority and power of the Papal See.¹⁰⁹ In other words, without papal confirmation,

¹⁰⁶ Ibid., p. 197.

¹⁰⁷ *Inquisitoris Sententia contra combustos in Massilia*, Baluze-Mansi, *Miscellanea*, vol. 2 (1680; repr. Lucca, 1761) p. 248.

¹⁰⁸ "Romana Ecclesia propter eminentissimam ejus auctoritatem nec mutet nec corrigat nec confirmat, sed veneranter suscipiat, et suavissimo illius jugo promptae obedientiae colla submittat ..." Ibid. p. 249.

¹⁰⁹ "... regulae vero praedictae et quorumcunque religiosorum omnis tenor et vigor sic a Romanae sedis potestate manat ut nulla fit ejus auctoritas quae ab indulgentia seu confirmatione sedis apostolicae non decurrat." Ibid.

the Franciscan Rule lacked authority and ceased to exist. We might even see the Franciscan Order as a prime example of the phenomenon Michel addressed in his sentence. Francis presented his way of life to Pope Innocent III for approval in 1209. Innocent granted him approval, but the Franciscan Rule did not officially receive the papal seal until 1223 under Honorius III—only after an earlier draft of the text had been edited substantially.¹¹⁰ According to Michel, then, the Franciscan Rule ceased to exist without papal approval, and the four Spirituals could not rightly protest the pope's alterations to it.

The inquisitor found other faults with the four Spirituals before him. Their understanding of power and authority within the Church—that is, within the Church hierarchy—was flawed. In Michel's eyes, their rejection of John XXII amounted to a rejection of apostolic succession within the Church and consequently, to a disordered interpretation of the scriptures that supported it.¹¹¹ We might imagine Michel thinking back to the image of Francis burdened by the weight of the Lateran basilica as depicted in the Upper and Lower Churches at Assisi, or as described in different accounts of the life of Saint Francis.¹¹² In some sense, the Spiritual Franciscans on the other side of the inquisitorial tribunal from Michel Le Moine had rejected the burden of the Lateran, had rejected the vow of obedience and submission to the papacy that had been so important to Francis himself, as well as to later followers who drew on images of Francis's submission as a symbol of the obedience and humility embodied by the Order as a whole. The friar's submission—and not his

¹¹⁰ Interestingly, one mid-13th-century Franciscan chronicler, the Perugian Anonymous, described the challenges faced by the earliest Franciscans who had been sent forth to preach penance. Without a papally-approved rule to guide their way of life, he claimed, the friars were mistakenly identified as heretics when they left Italy for Hungary and Germany. Brooke, *The Image of St. Francis*, pp. 135–136. For the *Perugian Anonymous*, see *Fontes Franciscani*, 11.44.2–4, p. 1347. Jordan of Giano, whom Brooke suggests is a more reliable chronicler also describes the trials of the first Friars Minor in their travels out of Italy, but he attributes their difficulties to the brothers' inability to speak the languages of the places they set out to evangelize. Brooke, *The Image of St. Francis*, p. 136.

¹¹¹ "Qui quidem errores graviter impingunt in gloriosum Ecclesiae primatum cunctis nationibus per colendum, immo in ipsum Christi evangelium, in quo beato Petro et per eum successoribus dictum est: *Quodcunque ligaveris super terram erit ligatum et in caelis, et quodcunque solveris super terram, erit solutum et in caelis.*" *Inquisitoris Sententia contra combustos in Massilia*, p. 249.

¹¹² Of course, we have no idea whether Michel had seen these frescoes or read these texts. Still, the founding myth was important enough to the order that it is likely that he would have encountered it even if he were not familiar with any of these sources.

poverty—was most important for Michel, and the submission was owed to the pope, whose predecessor had validated the Franciscan Rule, and to whose successors each Franciscan vowed obedience. In walking away and following their own peculiar path, in refusing to privilege the vow of obedience in this way, the Spirituals were willing to let the Church crumble.

Can we assess Michel Le Moine's vocation as a Franciscan based on his actions as an inquisitor—and specifically, his actions as an inquisitor when confronted by members of his own order? For Michel, the Spiritual Franciscans he faced on the opposing side of the inquisitorial tribunal were not Franciscans.¹¹³ The burden of obedience, the burden of the Lateran, which Michel favored as a Franciscan inquisitor, and to which he dedicated his life, led Michel to invoke a newly-canonized Franciscan saint in his sentence against the Spiritual brothers. Holding up St. Louis of Anjou, canonized less than a year before, as an example not only of orthodox Franciscan spirituality, but also as “a professor of the aforementioned rule,” Michel invoked the memory of a friar who embodied the model of obedience to the Franciscan Rule and to the papacy that the inquisitor himself espoused.¹¹⁴

The narrative we have about Louis's life comes largely from the witnesses who spoke on his behalf as part of the canonization procedure opened by Clement V in 1307 and closed by John XXII's canonization on 7 April 1317, just twenty days before John would call the Languedocian Spirituals to Avignon.¹¹⁵ Emerging from the testimony is a saint dedicated to the Franciscan ideal, whose life was marked both by the challenge of living out his Franciscan vows of poverty and obedience, and by the tension between his desire to live a life of evangelical poverty and his duty to serve in the world as Bishop of Toulouse. Louis of Anjou represented a respectable and unthreatening vision of Franciscan spirituality for the Order's governing leaders precisely because he held these

¹¹³ The sentiment was likely mutual.

¹¹⁴ *Inquisitoris Sententia contra combustos in Massilia*, p. 249 “[Repugnant] per hoc sanctos et beatissimos, patres religionum, et inter caeteros sanctum Ludovicum, quem constat fuisse praefatae regulae professorem, a vita perfectionis evangelicae faciunt alienos, quia scripturam evangelicam perverse intelligendo et exponendo ad erroris sui sensum trahunt . . .”.

¹¹⁵ *Processus canonizationis et legendae variae Sancti Ludovici O.F.M., episcopi Tolosani* (hereafter PC), in *Analecta Franciscana* 7, ed. Benvenutus Bughetti (Quaracchi, 1951) pp. 1–3 and 395–399.

vows in tension, as someone who had been fully accepting of the Church's hierarchy during his lifetime.¹¹⁶ During his lifetime, Louis might have questioned his own suitability for leadership within the ecclesiastical hierarchy, and he might have been dismayed at the decisions made for him in this respect, but he never seems to have questioned the legitimacy of Boniface's pontificate, the pontiff's authority to make decisions concerning Louis's service in the Church, or the larger framework of ecclesiastical government.¹¹⁷ Each of these points was important to John XXII, and by extension to Michel Le Moine, who acted on John's behalf as an inquisitor.

St. Louis of Anjou, then, provided a moderate Franciscan voice, one not strictly identifiable with the Conventual faction, but also one whose potential Spiritual sympathies could be easily overlooked (if not entirely effaced). By establishing the cult of St. Louis of Anjou at Marseille, the papacy and the Franciscan order highlighted orthodox aspects of Franciscan spirituality and focused their attention on reshaping the image of the Franciscan Order.

In his sentence on 7 May 1318, Michel Le Moine implicitly contrasted the stubbornness and disobedience of the four Spirituals before him with the humility and obedience of St. Louis of Anjou. Whereas the four Spirituals revealed their defiance both in their rejection of John XXII's authority and in their understanding of the Franciscan Rule, Louis offered an easier Franciscanism, one more amenable to John and to Michel, who supported the development of Louis's cult in Marseille.

At the moment when Michel contrasted the four Spirituals before him with the recently canonized Louis of Anjou, the inquisitor became involved in the development of the Angevin's cult. When he pronounced the sentence in 1318 and invoked St. Louis of Anjou, Michel joined at least one Franciscan inquisitor who had come before him, Brother Fortis, who had testified on behalf of Louis's sanctity in 1308.¹¹⁸ Over time, three more inquisitors would join them, including two inquisitors of Provence who contacted the king of France regarding the gift he had made to

¹¹⁶ I am currently finishing an article on St. Louis of Anjou and Peter Olivi as models of Franciscan sanctity in the fourteenth century.

¹¹⁷ Spiritual Franciscans frequently rejected the legitimacy of Boniface's pontificate. See Burr, *The Spiritual Franciscans*, pp. 95 and 100–101.

¹¹⁸ Brother Fortis's testimony can be found in the *Processus canonizationis. PC*, pp. 59–65.

the Franciscan convent during a recent visit to St. Louis of Anjou's tomb;¹¹⁹ and another inquisitor in Italy who composed a *vita* of the saint.¹²⁰ For his part, Michel Le Moine seems to have been involved in facilitating the construction of a chapel dedicated to Louis.¹²¹ Supporting the cult formed an integral part of Michel's duty to correct and inspire acceptable Christian belief, both in and beyond Marseille. His support for Louis's cult identified Michel as a proponent of the kind of Franciscan spirituality it endorsed—that is, one focused on the Franciscan ideal of obedience rather than that of poverty.

When Michel Le Moine confronted the four Spiritual Franciscans at Marseille, he did not do so from a disinterested point of view. The verdict Michel reached against the Spirituals would affect his understanding of his vocation as a Franciscan. Michel did not shirk his duty as an inquisitor to uphold and enforce orthodoxy. But did Michel ignore or betray his primary vocation as a Franciscan in the process?

To Michel, the brothers on the other side of the inquisitorial tribunal were not Franciscans, but *pseudo-fratres*.¹²² Michel invoked the third

¹¹⁹ Inquisitors Guilhem Astre and Johan de Badis wrote to King Philip VI of France on 1 July 1330. M.-H. Laurent, *Le culte de S. Louis D'Anjou à Marseille au XIVe siècle: Les documents de Louis Antoine de Ruffi suivis d'un choix de lettres de cet érudit* (Rome, 1954), pp. 54–56.

¹²⁰ Paulinus Puteolanus, *Vita S. Ludovici Episcopi*, in *Analecta Franciscana* 7, ed. Benvenutus Bughetti (Quarracchi, 1951) pp. 400–403.

¹²¹ Archives Communales de Marseille, BB 12, fol. 59^r contains the petition the inquisitor made through the sublector of the Franciscan convent to request the use of boats from the city for the transportation of building materials to be used in the construction of the chapel. "Primo quidam frater minor sublector pro parte domini inquisitori requisivit quod mutentur caup[u]lli dicto domino inquisitore pro saxis lapideis ducendis pro capella noua facianda beati Lodovici." The chapel was evidently under construction for some time; in 1326 it remained unfinished, according to a letter of Robert of Naples, dated 8 January 1326. This letter mentions Michel Le Moine as a contact person for those who wanted to contribute to the project. Another source reveals that King Robert had chosen Michel specifically to oversee the project. Apparently there was some discontent in the city with the choice of a Franciscan to perform such a seemingly secular task. I have consulted the manuscript containing the latter source, Paris, Bibliothèque Nationale de France, lat. 4246, fols. 34^r–36^v, but here cite from Célestin Vielle, *Saint Louis D'Anjou, Evêque de Toulouse: Sa Vie, son temps, son culte* (Vanves, 1930), p. 305, notes 9 and 10.

¹²² In 1319, Michel Le Moine thus characterized the brothers who initially abjured to avoid the stake at Marseille and later relapsed in a letter to the Franciscan Provincial Minister of Tuscany. Michel had heard that the brothers were fleeing to Tuscany, and sought to warn the provincial. Jean-Marie Vidal, ed., *Bullaire de l'Inquisition française* (Paris, 1913), pp. 38–39, no. 15 note 2. I have consulted Rome, Biblioteca Casanatense 1730, fol. 273^{va}–274^{va}, in which the correspondence is recorded, and find no significant variation between my transcription and that of Vidal.

and most recent Franciscan saint in a context that could not fail to associate him with the first two—Francis of Assisi, the Order's founder, and Anthony of Padua, the Hammer of the Heretics. Michel embraced Louis as a model of Franciscan spirituality even as the four Spirituals at Marseille rejected Michel (and other Conventuals) as an arbiter of the Franciscan life. To the four Spirituals at Marseille, Michel practiced a Franciscanism that had long departed from the ideals of the poor man of Assisi. Indeed, Spirituals and Beguins in the early 1320s would frequently characterize Michel as a heretic in their own inquisitorial testimony.¹²³

In considering the service of Michel Le Moine to the Order and to Christendom, we might consider that of Anthony of Padua. It is tempting to imagine Anthony engaged in defining or interpreting orthodoxy through his sermons, since the title "Hammer of the Heretics" is often attributed to him. Mariano D'Alatri, among others, has argued that the title is perhaps a misnomer.¹²⁴ Although the historical Anthony may not have been engaged in fighting heresy in the way we might expect, nevertheless, Anthony's *sanctity* seems to have been associated with anti-heretical activity and defense of the Catholic faith from the beginning. When he officially recognized Anthony among the canon of the saints in 1232, Pope Gregory IX declared that the canonization of St. Anthony of Padua would confound heresy and support the orthodox faith.¹²⁵ The earliest hagiographical accounts of Anthony's life and deeds stress the same themes.¹²⁶ The tradition continued to develop throughout the later

¹²³ Two such men were Raimond du Bosc, a Franciscan tertiary, and Pierre Morès, a Béguin, who both claimed that Michel Le Moine became a heretic when he condemned the four Spirituals at Marseille. Raimond ties Michel's heresy to his persecution of evangelical poverty. Bernard Gui, *Le Livre des Sentences de l'Inquisiteur Bernard Gui*, 2 vols., ed. and trans. Annette Pales-Gobilliard (Paris, 2002) pp. 1304, 1316–1320. Other Spirituals insist that Michel condemned the four men at Marseille unjustly, without going so far as to call him a heretic.

¹²⁴ Mariano D'Alatri, "Antonio, martello degli eretici?" in *Eretici e Inquisitori in Italia: Studi e Documenti*, vol. 1, (1965; repr. Rome, 1986), 75–84; and Grado Giovanni Merlo, "La santità di Antonio e il problema degli eretici," *Il Santo* 36 (1996) 187–202. Anthony's sermons against heresy were written while he was still an Augustinian canon. These sermons reflected the experience of someone who had studied treatises about heretics and heresy within a library, and not someone who had encountered heretics in the town square. See D'Alatri, "Antonio, martello degli eretici?" p. 81.

¹²⁵ Merlo, "La santità di Antonio," p. 194. Anthony was canonized on 1 June 1232, less than a year after his death.

¹²⁶ *Ibid.*, p. 199.

thirteenth and fourteenth centuries, when the *legenda* known as *Benignitas* attributed the title 'Hammer of the Heretics' to the saint.¹²⁷ It seems no coincidence that this title developed during a period of schism within the Franciscan Order—a moment during which many Franciscans, such as the Spirituals before Michel at Marseille, were themselves accused of heresy.

Michel may have seen his service as an inquisitor in light of the stories that had developed around Anthony as a saint who had fought against heresy and protected the integrity of the Church. Michel's service may have departed from the 'norm' of the order, but it nevertheless responded to a great need within Christendom as well as to the will of the pope. In some way, Michel Le Moine presented a challenge to the Franciscan Order: his example suggested that the Franciscans return to the humility and obedience embraced by Francis *by honoring their vow of submission to the papacy*.

Inquisition never *became* Franciscan identity. The Order made inquisition acceptable as a Franciscan task, but it never had a significant impact on how Franciscans saw themselves or understood their apostolic mission. A Franciscan such as Michel Le Moine embraced inquisitorial service and dedicated his life to enforcing papal interpretations of the Franciscan life and apostolic poverty. Franciscans such as those prosecuted by Michel might be more inclined to define their identity as Franciscans in a way that implicitly excluded such inquisitorial involvement. Yet even a number of prominent members of the Spiritual faction did not reject Franciscan participation in inquisition *per se*. Rather, these Franciscans rejected the current thrust inquisition had taken at the moment. That is, inquisitors had identified the wrong targets for investigation, but there was nothing inherently inappropriate if Franciscan friars were the ones who served as inquisitors.

Another early-fourteenth-century Franciscan offered a different kind of approval of Franciscan involvement in inquisition when he compiled sources related to the struggle against heresy within the Franciscan Order. He included in the manuscript, among other texts, a copy of the Franciscan rule, a judgement against Peter Olivi, accusations against beguins and *fraticelli*, and the sentence levied by Michel Le Moine against

¹²⁷ D'Alatri dates *Benignitas* to 1316, whereas Merlo dates it to the very end of the 13th or the beginning of the 14th century. D'Alatri, "Antonio, martello degli eretici?" pp. 76–77. Merlo, "La santità di Antonio," p. 188.

the four Spiritual brothers at Marseille in 1318.¹²⁸ The act of compilation was a way to assert the current of orthodoxy within the Order. In assembling the texts the way he did, the friar also revealed something of his own understanding of Franciscan identity: inquisition was permissible within the parameters of the Franciscan Rule. Indeed, inquisition formed a part of Franciscan identity, but it did not efface or overshadow the Rule itself. In this context, in which Michel's sentence was juxtaposed with the condemnation of Peter Olivi and the text of Franciscan Rule, inquisition testified to a current of orthodoxy and obedience within the Franciscan Order.

This chapter began by reflecting on the dream of Innocent III and the figure of the man preventing the collapse of the Church. This image was important to both the Dominican and Franciscan Orders in the Middle Ages because of the story it told about their respective founders. Dominic and Francis were men who would figuratively prevent the Church from falling into disrepair; they would shore it up against imminent collapse. The original mission of the Dominican Order was rooted in pastoral care and preaching. For Dominicans, inquisitorial service became a vehicle for bearing their particular holiness or sanctity as an order, and inquisition provided a way for Dominicans to imitate Christ, who came to impose "righteous persecution."¹²⁹ The spiritual reputation of the Franciscan Order did not depend on such inquisitorial activity. The Franciscan mission was rooted in evangelization, but not specifically in pastoral activity since the first Franciscan friars were almost exclusively laymen and not priests. These evangelical roots did not mean that inquisition and its tasks were excluded from the range of tasks appropriate for Franciscans. Nevertheless, Franciscans did not depend on inquisitorial activity to define the Order's mission and identity because their spirituality was so deeply rooted in Francis's near-perfect imitation of Christ

¹²⁸ Paris Bibliothèque Nationale de France, lat. 4350. Franz Ehrle suggests the compiler was the procurator of the Franciscan order, Raymond de Fronsac, a member of the so-called Community. "Für die Autorschaft Raymunds spricht ohne Zweifel der nächste Sinn des Ausdrucks: 'ex procuracionis michi iniuncte officio.'" Heinrich Denifle and Franz Ehrle, *Archiv für Literatur- und -Kirchengeschichte des Mittelalters*, 3 (1887; repr. Graz, 1956), pp. 3–4. This attribution has been accepted by others, including Decima Douie, who refers to Raymond de Fronsac as the author of this collection. *The Nature and the Effect of the Heresy of the Fraticelli*, (Manchester, 1932) p. 153. Ehrle edited the table of contents found in BnF lat. 4350 in *ALKG* 3:7–32.

¹²⁹ Ames, *Righteous Persecution*, pp. 74–75.

that the Order did not need to capitalize on its inquisitorial activity as a way to define Franciscan identity or sanctity.¹³⁰ Inquisition became a task that Franciscans performed, but it never became an explicitly Franciscan task.

¹³⁰ For two accounts of Francis's stigmata, see Thomas of Celano, *Vita Prima* 94–96, *Fontes Franciscani*, pp. 369–373; and Bonaventure, *Legenda maior* 13, *Fontes Franciscani*, pp. 889–898.

CHAPTER SIX

THE FORGING OF AN INTELLECTUAL DEFENSE OF MENDICANCY IN THE MEDIEVAL UNIVERSITY

ANDREW TRAYER

The secular/mendicant conflicts at the University of Paris in the thirteenth century provided a new phase in the relations between the two parties, as, for the first time, the friars would have to take the offensive themselves in order to justify the novelty of their life.¹ Resistance to the mendicant orders and their interpretation of the apostolic life before 1250 was isolated and sporadic and usually resolved by papal intervention. The mendicants had hitherto solicited and procured papal letters for support and recommendation for their orders and, in particular, their pastoral activities. Within a thirty-five year period, the papacy directed some 580 bulls to the friars; 347 of these were from Pope Innocent IV (1243–1254) alone.² Yet the papal support which the mendicants requested only seemed to estrange the secular clergy. As the mendicants became competitors with the secular clergy in matters of pastoral care, and as oblations, alms, bequests, and mortuary legacies were increasingly diverted from the parochial clergy to the friars, relations between these two groups steadily deteriorated.

Complaints by the secular clergy against the mendicants' ministry arose intermittently, but these grievances had no coherent focus until the 1250s. At the University of Paris, the secular masters of theology first assailed the role of the mendicants within the university structure and then broadened the quarrel by challenging the friars' right to perform pastoral functions and by denouncing their conception of the religious life as a dangerous innovation. This change of tactic placed the mendicants in a position where they could no longer simply request papal intervention. Rather, it forced them to explain in systematic terms the

¹ On the background to the secular/mendicant conflicts at the University of Paris, see M.-M. Dufeil, *Guillaume de Saint-Amour et la polémique universitaire parisienne* (Paris, 1972); D. Douie, *The Conflict between the Seculars and the Mendicants at the University of Paris in the Thirteenth Century* (London, 1954).

² M.-M. Dufeil, "Le roi Louis dans la querelle des mendiants et séculiers," *Septième centenaire de la mort de Saint Louis* (Paris, 1976), 282.

purpose of their religious life, its conformity to evangelical doctrine, and their ability to teach and undertake the care of souls. This chapter examines how the mendicants attempted to defend themselves against assaults by the secular masters of theology during two periods of conflict at the University of Paris: the first during the years 1255–1256 and the second from 1268–1271.

The University of Paris had initially welcomed the friars into their consortium; however, conflict soon emerged, as the seculars later claimed,³ when the Dominicans failed to observe the academic *cessatio*, the university strike measure to seek amends for the violation of an academic privilege, during the Great Dispersion of 1229–1231. The University voted to suspend lectures following an altercation with the Parisian bourgeoisie; in the ensuing mêlée, one student was executed and the provost of Paris and his guards arbitrarily incarcerated several others. The majority of the academic community quit Paris and taught at other universities in France, such as Angers and Orléans, and bolstered the incipient University of Toulouse. In 1231, Pope Gregory IX successfully lured the masters and students back to Paris by issuing his famous bull, the so-called *magna carta* of the University of Paris, *Parens scientiarum*.⁴

Despite the secular theologians' later assertions to the contrary, other masters and students also remained at Paris and taught during the Great Dispersion, including at least one secular theologian, John of St. Giles.⁵ Furthermore, the *cessatio*, although an oft-repeated academic action, only became a recognized university right in *Parens scientiarum*.⁶ Adherence to the university strike measure before 1231 took the form of moral persuasion; the academic community did not have a confirmed privilege by which it could officially cancel classes and thus had no mechanism by which it could compel dissenters to comply. In *Parens scientiarum*, Gregory gave the University the right to discipline anyone who did not obey

³ *Chartularium universitatis parisiensis* eds., H. Denifle et E. Chatelain (Paris, 1889), I, No. 230, 253. Hereafter cited as *Chart*.

⁴ *Chart*. I, No. 79, 136–139.

⁵ During the cessation, Pope Gregory requested a list of privileges which the studium at Paris had already received. His request was sent to the masters and students *Parisiis et Andegavis commorantibus* thus indicating that some of them had indeed remained at Paris. *Chart*. I, No. 75, 133; A. Traver, "Rewriting History? The Parisian Secular Masters' Apologia of 1254," *History of Universities* 15 (1997–1999): 30, n. 56.

⁶ P. Kibre, *Scholarly Privileges in the Middle Ages* (Cambridge, 1962), 95–96; Traver, "Rewriting History," 29, n. 53.

academic regulations or who did not maintain the secrecy of university councils.⁷ Sixteen years later, Pope Innocent IV affirmed the University's right to require from all its members complete obedience to the statutes drawn up by their chosen representatives.⁸

Moreover, during the Great Dispersion, the seculars later complained, the Dominicans irregularly appropriated a teaching chair in theology for themselves.⁹ The issue of magisterial chairs was an extremely important one for the secular theologians as the number was tightly regulated and could not, before 1256, exceed twelve:¹⁰ three were reserved in perpetuity for the cathedral canons of Nôtre Dame,¹¹ nine for the secular clergy. Each of these theological chairs was held by a master identified by his regent status (*regens*) who supervised a school, exercised a monopoly over the teaching within it, and was ultimately responsible for the academic progress of his students.¹²

During the Great Dispersion, the newly-licensed Dominican Roland of Cremona simply assumed the magisterial chair of a vacant secular master.¹³ When the secular theologians John of St. Giles and Alexander of Hales shortly thereafter converted to the Dominican and Franciscan Orders respectively, they both transferred their pre-existing teaching positions to their new Orders.¹⁴ These three magisterial chairs hereafter remained the domain of the friars. Although the masters offered classes which were recognized as official university courses, both the Dominicans and the Franciscans closely oversaw the succession of teaching masters within their own chairs. In effect, these three chairs were removed

⁷ *Chart. I*, No. 79, 137; Kibre, *Scholarly Privileges*, 95; G. Post, "Parisian Masters as a Corporation," *Speculum* 9 (1934): 428; Traver, "Rewriting History," 30, n. 58.

⁸ *Chart. I*, No. 169, 199; Kibre, *Scholarly Privileges*, 106; Traver, "Rewriting History," 30, n. 59.

⁹ *Chart. I*, No. 230, 253.

¹⁰ In 1207 Pope Innocent III had limited the number of theological chairs at Paris to eight. *Chart. I*, No. 5, 65. Despite this limitation, the number of chairs had increased to twelve in 1218 and remained at this number until 1256. *Chart. I*, No. 27, 187. Traver, "Rewriting History," 10.

¹¹ *Chart. I*, No. 230, 253. That the canons held three chairs is probably due to the fact that the University evolved from the cathedral school. P. Glorieux, "L'Enseignement au moyen âge: Techniques et méthodes en usage à la Faculté de théologie de Paris au XIII^e siècle," *Archives d'histoire doctrinale et littéraire du Moyen Âge* 35 (1968): 91.

¹² Glorieux, "L'Enseignement au moyen âge," 91.

¹³ P. Glorieux, *Répertoire des maîtres en théologie de Paris au XIII^e siècle* (Paris, 1933–1934), I: 291.

¹⁴ On John of St. Giles, see Traver, "Rewriting History," 41, n. 95.

from the control of the secular theologians thus depriving them of magisterial posts and limiting the possibility for future secular graduates of obtaining a teaching position in theology at Paris.

For their part, until the mendicants had obtained their own masters, the arrangements under which the University had assigned theological masters to Dominican and Franciscan students were provisional, conditional, and could be revoked at any time. Until they had established masters for themselves, the mendicants lacked the necessary stability to ensure that Paris would remain the headquarters for theological training for their Orders. The mendicant masters were certainly attracting large audiences and causing new conversions within the university community. Their appeal posed particular problems for the secular theologians, as an increase in mendicant masters and students translated into an actual decrease of secular students, student fees, and ultimately, prestige.

The situation became more pressing in 1250 when Pope Innocent IV enjoined the university chancellor to license all qualified students, especially those belonging to religious orders, even if they failed to ask for it.¹⁵ The secular theologians feared that as the number of mendicant masters multiplied, so too would their demand for teaching chairs. In 1252, faced with a potential proliferation of mendicant masters and the possible academic extinction of secular theologians, the Faculty of Theology attempted to limit religious orders to one magisterial chair each.¹⁶ The goal of this statute was to restrict the Franciscans to their one teaching chair and to return one of the two Dominicans' magisterial chairs to the seculars. This measure came to no avail, and, in early spring 1253, the University called for a suspension of classes following another "town and gown" encounter; the three mendicant masters refused to participate in the cessation, which consequentially lasted seven weeks.¹⁷ After the masters and students had returned, the University excommunicated the friars for failing to obey academic statutes and subsequently expelled them from the studium.¹⁸ Although Pope Innocent IV absolved them from the sentence of excommunication and asked that the secular masters readmit them,¹⁹ the University tried to place the friars under more rigid aca-

¹⁵ *Chart. I*, No. 191, 291.

¹⁶ *Chart. I*, No. 200, 266.

¹⁷ *Chart. I*, No. 219, 242.

¹⁸ *Chart. I*, No. 219, 242.

¹⁹ *Chart. I*, No. 222, 247–248.

democratic control by decreeing that no one would thereafter be admitted to the University unless he had first pledged to obey all academic privileges and ordinances.²⁰ The mendicants had hitherto evaded this requirement as the oath was customarily taken by students in the Arts Faculty—the mendicants received the equivalent of undergraduate training in Arts in their own *studia*. The friars refused to swear allegiance to university statutes until 1318 on the grounds that they were contrary to their religious vows.²¹

While both parties appealed to Rome, the Franciscan Minister General John of Parma accepted the University's decision and made peace with the seculars. The Dominicans hereafter become the chief antagonists of the secular masters; but by questioning the mendicants' right to exist, the Franciscans necessarily had to enter the polemical fray to defend their own Order's legitimacy. In spring 1254, the University circulated a long *Apologia* which narrated its history with the friars in an attempt to win the support of the French episcopacy in this conflict.²² The appearance of the Franciscan lector Gerard of Borgo San Donnino's radical Joachite text *Introduction to the Eternal Gospel* in this same year helped the secular cause immensely as the masters attempted to turn its tenets into a mendicant blueprint for the future of the Church.²³ Gerard taught that the Gospel would come to an end in 1260 and would be replaced with an eternal gospel, a gospel of the Holy Spirit, in which the Church would be purified through barefoot spiritual men. Using the *Introduction* to its fullest polemical merit, the University sent a list of Gerard's errors to the papal court then resident at Anagni.²⁴ Pope Innocent commissioned a panel of cardinals to examine the Franciscan's writings and his successor Alexander IV had them condemned.²⁵ The scandal surrounding the

²⁰ *Chart.* I, No. 219, 243–244.

²¹ *Chart.* II, No. 776, 227–228; H. Rashdall, *The Universities of Europe in the Middle Ages* eds., F.M. Powicke and A.B. Emden (Oxford, 1936), I: 393; Traver, "Rewriting History," 30, n. 60.

²² *Chart.* I, No. 230, 252–258.

²³ There was a strong tradition amongst anti-mendicant chroniclers of associating the *Eternal Gospel* with the Dominicans. See Matthew of Paris, *Chronica majora* ed., H. Luard (London, 1872–1882), V:598–599. P. McKeon, "The Status of the University of Paris as *Parens scientiarum*: An Episode in the Development of its Autonomy," *Speculum* 39 (1964): 61, n. 51 notes other examples.

²⁴ *Chart.* I, No. 243, 272–275. E. Benz has prepared a critical edition of this list in "Die Exzerptsätze der Pariser Professoren aus dem Evangelium Aeternum," *Zeitschrift für Kirchengeschichte* 51 (1932): 415–455.

²⁵ *Chart.* I, No. 257, 297.

Eternal Gospel may have caused Innocent to have a change of heart with respect to his support of the friars' ministerial functions. Throughout 1254, he began to place a series of restrictive decrees on the mendicants and required that they receive a license for their activities from a parish priest before performing the care of souls.²⁶ On 21 November 1254 Innocent promulgated the bull *Etsi animarum* which severely curtailed the friars' rights to preach, hear confessions, and bury the laity.²⁷

Innocent afterwards soon died and the intransigent Alexander IV, the former cardinal protector of the Franciscans, replaced him. This latter pontiff instantly revealed his predisposition toward the mendicant orders by issuing the bull *Nec insolitum* which rescinded *Etsi animarum*.²⁸ In spring 1255, he then issued the bull *Quasi lignum vite* that required the University to readmit the friars, to refrain from limiting the number of magisterial chairs available to religious, and to revise legislation regarding future suspensions of classes.²⁹ In retaliation, the University drafted a list of reasons why the friars should not be readmitted into the consortium and sent it to the bishops of Orléans and Angers, the two prelates in charge of supervising the University's reintegration of the Dominicans.³⁰ While several of the reasons deal specifically with university obligations—the mendicants are dissenters and as such it would be impossible for them to enter into the same association with the seculars—others reveal that the secular theologians had already started to question certain aspects of the friars' ministry, thus taking the quarrel outside the university forum. For example, the letter states that the University cannot receive the friars in their midst as they have never been examined by the local clergy and may in fact be pseudo-prophets. On the basis of Paul's second epistle to Timothy, it labels them *penetrantes domos*;³¹ they enter the homes of the faithful and probe the qualities and consciences of men through illicit confessions in order to turn the laity against their prelates. They preach, although not sent, in violation of Paul's prohibition in Romans 10:15. Furthermore, it claims that the friars cannot be restored

²⁶ *Chart. I*, No. 236, 263–264.

²⁷ *Chart. I*, No. 240, 267–270.

²⁸ *Chart. I*, No. 244, 276–277.

²⁹ *Chart. I*, No. 247, 279–285.

³⁰ *Appendix ad fasciculum rerum expetendarum et fugiendarum* (London, 1690) [rpt. Tucson, AZ: Audax Press, 1967], II: 42; C.E. Du Boulay, *Historia universitatis parisiensis* (Paris, 1665–1673) [rpt. Frankfurt am Main: Minerva, 1966], III: 287–288. This letter escaped the efforts of Denifle and Chatelain.

³¹ II Tim. 3:6.

into the academic consortium as they are simply too preoccupied about the affairs and spiritual works of others. This excessive concern is unfortunate as they have no legitimate pastoral role—they are neither bishops nor priests nor even the *opitulatores* or assistants, such as Titus mentioned by Paul in I Corinthians 12:28. This latter complaint reveals the ecclesiological line of attack of the secular theologians: Christ himself had established the diocesan and parochial structure of the Church. The secular theologian William of Saint-Amour would later use the example of the missions of the twelve and seventy-two in Luke 9 and 10 as the scriptural basis of the episcopacy and the secular clergy to argue that no other order could legitimately be instituted.³²

While the University resisted the integration of the Dominicans, the first academic defender of the mendicants in this quarrel emerged as a Franciscan bachelor in theology, Bonaventure. In the fall of 1255, an intellectual exchange between the ringleader of the seculars, William of Saint-Amour, and Bonaventure, in the form of disputed questions, brought the theoretical questions surrounding the mendicants orders into the spotlight.³³ In these questions, William denies that absolute poverty, complete renunciation, and begging ever played a role in the life of Christ and the Apostles, thus removing any scriptural foundation for the mendicant life. He argues that to give all to the poor and follow Christ means either to enter a monastery, in which possessions are held communally, or to live by manual labor in order to obtain future sustenance. Begging, he explains, is perilous and can expose one to a multiplicity of sins including suicide and tempting God; moreover, civil

³² *De periculis in Opera omnia quae reperiri poterunt*, ed. Alitophilus (Constance [Paris], 1632), 24. For an English translation of this work based on the manuscript Vatican, vat. lat. 1160, see G. Geltner, *William of Saint-Amour: De periculis novissimorum temporum* Dallas Medieval Texts and Translations 8 (Leuven, 2008). The secondary literature on the missions of the twelve and the seventy-two is extensive. See for examples, Y. Congar, "Aspects ecclésiologiques de la querelle entre mendiants et séculiers dans la seconde moitié du XIIIe siècle et le début du XIV," *Archives d'histoire doctrinale et littéraire du Moyen Age* 28 (1961): 61; M. Peuchmard, "Mission canonique et prédication: Le prêtre ministre de la parole dans la querelle entre mendiants et séculiers au XIIIe siècle," *Recherches de théologie ancienne et médiévale* 30 (1963): 253–255; J.D. Dawson, "William of Saint-Amour and the Apostolic Tradition," *Mediaeval Studies* 40 (1978): 223–238.

³³ On William's disputed questions, see A. Traver "William of Saint-Amour's Two Disputed Questions *De quantitate eleemosynae* and *De valido mendicante*," *Archives d'histoire doctrinale et littéraire du Moyen Age* 62 (1995): 295–342; on Bonaventure's see *De perfectione evangelica* q. II aa. 1 and 2 in *Opera omnia* (Quarrachi, 1891), V:124–149.

law explicitly proscribes mendicancy for the able-bodied.³⁴ The friars, he asserts, have no claims to the alms of the faithful as these were intended for the elderly, sick, and the true poor. Using the example of Giezi, William claims that to expect alms for spiritual services was simply the sin of simony.³⁵

For his part, Bonaventure enforces the mendicant conception of the apostolic life by defending poverty, complete renunciation, and begging as the normal paradigm of Christ. He presents a veritable cornucopia of scriptural *exempla* to reinforce the mendicant ideal which would be recycled and reappear in later Franciscan polemical works such as his own *Apologia pauperum*, Thomas of York's *Manus quae contra Omnipotentem tenditur*, and John Pecham's *Tractatus pauperis*. Christ was the poor man and begger identified in Psalm 39:18. As an example of his mendicancy, he asked the Samaritan woman for water.³⁶ He was so poor that he did not have a place to stay in Jerusalem³⁷ and in Jericho asked Zacchaeus for accomodation.³⁸ Bonaventure uses Christ's instructions to the disciples in Matthew 10 not to take money or possessions on their journey as the standard by which Christ himself had lived. He moreover underscores the example of the naked crucified Christ to illustrate his utter lack of temporal possessions and his extreme poverty.³⁹ While William utilizes the model of the common life of the Apostles in Acts 4:32–34 as the scriptural basis for the apostolic life and emphasizes canonical decrees that prohibit complete renunciation and begging, Bonaventure sets the tone for later Franciscan apologetic works and gives these questions a distinctly evangelical and Christocentric focus.

Claiming that poverty was the foundation of evangelical perfection, Bonaventure heralds the creation of the mendicant orders as the restoration of the apostolic life.⁴⁰ He employs the ecclesiological model of the seculars and compares the mendicants to Titus. While the Franciscans

³⁴ *Codex Iustinianus* ed., P. Krueger (Zurich, 1877), 11.26(25).1 *De mendicantibus validis*.

³⁵ *De valido mendicante*, 340; IV Reg. 5.

³⁶ Jn 4: 7.

³⁷ Mk 11: 11.

³⁸ Lk 19: 5.

³⁹ *De perfectione evangelica* q. II a. 1 in *Opera*, V: 126.

⁴⁰ "Nihilominus tamen, quia paupertas fundamentum est evangelicae perfectionis, et ipsa est quasi complementum eiusdem; ideo viguit in Ecclesiae primordio, et congruum est, ut vigeat circa Ecclesiae statum finalem." *De perfectione evangelica* q. II a. 2 in *Opera*, V: 148. Noted by B. Tierney, *The Origins of Papal Infallibility 1150–1350* (Leiden, 1972), 74.

did not receive their pastoral authority directly from Christ, they nevertheless obtained it from his vicar and therefore have what Bonaventure calls a subauthority (*subauctoritas*) to perform ministerial activities.⁴¹ He also recites the papal approval of the mendicant form of life, thereby calling attention to Rome's enduring support for the friars, and warning the seculars that if they questioned their commission too aggressively, they would *de facto* be challenging the papal plenitude of power.⁴²

The major work in this first phase of secular/mendicant conflict at Paris was William's *De periculis novissimorum temporum*, which argued that the perils of the Last Times were approaching through the activities of the mendicants. It maintained a pivotal role in all periods of later conflict with the friars as many of the ideas expressed were either a reelaboration or a reiteration of points first popularized by William. In it, he claims that only the episcopacy and the parochial clergy, as the successors of the twelve apostles and seventy-two disciples, can perform pastoral functions.⁴³ While he recognizes that popes can appoint *opitulatores* or episcopal aids for preaching and confession, he recommends that such assistants be limited in number, examined, and first requested by the diocesan. He quotes Pseudo-Dionysius at length to show that monks, as a lower order, cannot perform pastoral care.⁴⁴ He compares the friars to the *gyrovagues* who wander aimlessly, lack stability, and serve their stomachs rather than God.⁴⁵ He warns constantly of the appearance of false preachers and the damage they inflict on the Church; through false piety and feigned sanctity they will lead the laity into error. He labels them thieves and robbers who will enter the congregations of the faithful by preaching and teaching and will arrogate the powers of prelates for themselves.⁴⁶ Chapter Eight of the work presents eight signs to demonstrate that dangers of the Last Times have started to appear. Four of them concern Gerard's *Introduction to the Eternal Gospel*, while the others warn of the appearance of some in the Church who claim to be *sanctiores* and commend themselves to the laity.⁴⁷ The final chapter provides a list of forty-one signs by which true apostles can be identified from false ones.

⁴¹ *De perfectione evangelica* q. II a. 2 in *Opera*, V: 147.

⁴² *De perfectione evangelica* q. II a. 1 and q. II a. 2 in *Opera*, V: 130, 141.

⁴³ *De periculis*, 24.

⁴⁴ *De periculis*, 24–27.

⁴⁵ *De periculis*, 47; Ro 16: 18.

⁴⁶ *De periculis*, 35–37.

⁴⁷ *De periculis*, 37–42.

William subsequently identifies each sign with a perceived aspect of the mendicants' activities, asserting *inter alia* that true apostles do not commend themselves, they do not use ornate verbage in their sermons, and they preach for the salvation of souls rather than temporal gain.⁴⁸

Throughout 1255–1256, William also preached a series of sermons against the friars of which three are extant.⁴⁹ They largely continue the themes of *De periculis*. The sermon *Qui amat periculum* is an abridged version of his *magnum opus*, which focuses on hypocrisy and forewarns both of the Last Days and the appearance of pseudo-preachers. It provides a truncated list of seven signs to identify false preachers from true ones. *Si quis diligit me* warns about hypocrisy of dress, infringements on parochial and diocesan prerogatives, and explicitly states that one who confesses to a preacher without a prerequisite license to preach will be damned.⁵⁰ Both of these sermons recite the errors of Gerard's *Eternal Gospel*. William's sermon *De pharisaeo et publicano* compares the biblical Pharisees to their modern counterparts identified as *Praedicatores*.⁵¹ They desire to sit at the tables of kings, flatter the nobility, involve themselves in secular business, and receive the title of *magister*.

In Lent 1256 Bonaventure again uses the vehicle of the disputed question to show that the voluntary poor are not bound to manual labor and enumerates four types of spiritual works that can exempt one from labor.⁵² The questions *On manual labor* and *On renunciation*, edited by Michel-Marie Dufeil and attributed to the Dominican John of Pointlasne, essentially repeat positions held by Bonaventure.⁵³ Bonaventure's confrère, Thomas of York, likewise responded to William in his treatise *Manus quae contra Omnipotentem tenditur*.⁵⁴ However, Thomas' knowledge of William's teachings was extremely limited and filtered almost entirely through Bonaventure's disputed questions, quite possibly as he was the only non-Parisian participant in this first phase

⁴⁸ *De periculis*, 57–72.

⁴⁹ A. Traver, *The Opuscula of William of Saint-Amour* (Münster, 2003), 155–205.

⁵⁰ *Si quis diligit me* in *Opuscula*, 187.

⁵¹ Robert Karris has recently translated this sermon in *William of Saint-Amour: Sermon on the Pharisee and the Publican* (St. Bonaventure, NY, 2009).

⁵² *De perfectione evangelica* q. II a. 3 in *Opera*, V: 156–165.

⁵³ Dufeil, *Guillaume de Saint-Amour*, 378–379. Dufeil, however, places them earlier in the controversy c. 1252–1253.

⁵⁴ M. Bierbaum, *Bettelorden und Weltgeistlichkeit an der Universität Paris* (Münster, 1920), 37–168.

of conflict.⁵⁵ Thomas, through Bonaventure, recites the expected authorities to validate the mendicant life. He also repeats Bonaventure's discussion of the distinction between possession and use, enshrined in Pope Gregory IX's bull *Quo elongati*.⁵⁶ Though similar, Thomas' work differs from Bonaventure's disputed questions in two major areas: 1) on papal power to license preachers and 2) on the thorny issue of the *loculos* or the apostolic purse.

Regarding papal power to preach, Thomas, unlike Bonaventure, avoids using William's construct of the twelve and seventy-two as the ecclesiological basis for pastoral care and instead cites the pope, as Christ's vicar, as the source of all power within the Church.⁵⁷ All ministers of the *cura animarum* receive their power directly from the same source. With respect to the pastoral activities, Thomas suggests that the mendicants have an even greater role than diocesans and parochial clergy, as they have no set geographical limitations. Therefore, Thomas argues, the friars do not need an episcopal license before administering the care of souls in any ecclesiastical jurisdiction—even univited.⁵⁸

Unlike any of the other mendicant apologists, Thomas of York devoted an extraordinary amount of time attempting to account for Christ's possession of a common bag.⁵⁹ While most of the mendicant expositors were content to gloss over the purse, Thomas constructed a detailed explanation of it which would later enable the secular theologians to accuse him of heresy. Although only mentioned twice in the Gospels,⁶⁰ the awkward instances of the *loculos* naturally provided problems for the mendicants and their interpretation of the evangelical life: how could one reconcile a life of complete renunciation with that of Christ when he himself carried a common purse?

Augustine's two works, *Tractatus in Ioannem* and *De opere monachorum*, had laid the standard exegetical basis for most of the medieval

⁵⁵ As examples, Thomas takes chapters one and two of the *Manus* almost directly from Bonaventure's disputed questions on evangelical perfection. Traver, "Thomas of York's Role in the Conflict between Mendicants and Seculars at Paris," *Franciscan Studies* 57 (1999): 184–187.

⁵⁶ "Thomas of York," 190–191; *De perfectione evangelica* q. II a. 2 in *Opera*, V: 131–132; *Manus*, 66. On this point, see Lambertini, *Apologia e crescita dell'identità francescana* (Rome, 1990), 28.

⁵⁷ Congar, "Aspects ecclésiologiques," 128; Peuchmard, "Mission canonique," 266–267; Lambertini, *Apologia*, 35–38.

⁵⁸ *Manus*, 151.

⁵⁹ On the role of the bag in the later Franciscan tradition, see Lambertini, *Apologia*.

⁶⁰ Jn 12: 6 and 13: 29.

discussions of the purse. In these works, he proposed a tripartite model of the purse as: 1) a means of early poor relief;⁶¹ 2) a concession to the weak who could not be without a purse of their own;⁶² and 3) a paradigm for future ecclesiastical administrators.⁶³ Although Augustine considered the *loculos* in many different works and in varying ways, this tripartite model remained the usual point of departure for later expositors; they either summarized all or part of it.⁶⁴ In the twelfth century, it was incorporated *in toto* into the standard reference work of biblical exposition, the *Glossa ordinaria*.⁶⁵

William capitalized on the example of the purse and on Augustine's description of it as a primitive form of ecclesiastical wealth to refute the mendicant conception of complete renunciation as Christ's normal pattern of life.⁶⁶ Bonaventure incorporated part of Augustine's threefold model into his discussion of the purse, but he eliminated the reference to its usage as a model for Church administrators; he considered the purse only in terms of poor relief and condescension.⁶⁷ He also revived Jerome's position that Christ never owned any possessions except in times of absolute necessity and persecution, as when he travelled through Samaria.⁶⁸

In his attempt to synthesize both the mendicant and secular positions of the purse, Thomas quickly found himself on the defensive. In chapter four of the *Manus*, Thomas cites all of the usual depictions of the purse and even includes some new ones.⁶⁹ Christ possessed the purse as a concession to the weak, as an early form of Church wealth, as a mitigation

⁶¹ Aug., *In Ioannis evangelium Tractatus CXXIV* ed., D.R. Willems (Turnhout, 1954) in CCL 36: 485.

⁶² Aug., *De opere monachorum* ed., I. Zycha (Vienna, 1900) in CSEL 41: 539.

⁶³ Aug., *Tract. in Ioan.* in CCL 36: 485.

⁶⁴ Bede followed it both in his *In Lucae evangelium Expositio* ed., D. Hurst (Turnhout, 1960) in CCL 120: 255 and in his homilies, *Opera homiletica* ed., D. Hurst (Turnhout, 1955) in CCL 122: 211. Paschasius Radbertus cites it in his *Expositio in Matheo* ed., B. Paulus (Turnhout, 1984) in CCCM 56: 427, as do both Bruno of Segni and Rupert of Deutz in their respective commentaries on John. *PL* 165: 548B; ed., R. Haacke (Turnhout, 1989) in CCCM 9: 572–573.

⁶⁵ *ord.* in Jn 12: 6 in *Biblia latina cum glossa ordinaria* ed., A. Rusch (Strasbourg, 1480–1481) [rpt. Turnhout, 1992], 4: 253A and *ord.* in Jn 13: 29 in 4: 256B. Hereafter cited as *Editio princeps*.

⁶⁶ Both in *De quantitate eleemosynae*, 330 and *De periculis*, 49.

⁶⁷ *De perfectione evangelica* q. II a. 1 in *Opera*, V: 131.

⁶⁸ Hier., *Commentarius in Mattheum* ed., D. Hurst et M. Adriaen (Turnhout, 1969) in CCL 77: 155–156; *De perfectione evangelica* q. II a. 1 in *Opera*, V: 131. Jerome's observation was included in the ordinary gloss on Lk 22: 35. *Editio princeps* 4: 59A.

⁶⁹ *Manus*, 59–82.

of concupiscence, as a demonstration that money could be lawfully held, and as a form of maintenance in times of necessity. Thomas tries to harmonize these disparate descriptions by noting that Christ performed many deeds for the instruction of the faithful. He did some of these *propter se*, others, *propter alios*.⁷⁰ Christ's acts performed *propter alios* included his departure from Judea, his occasional eating of meat and drinking of wine, and the possession of the common purse.⁷¹ Thomas concludes by dividing these acts into two categories: some of Christ's works are indicative of his normal pattern of absolute poverty, while others reflect his condescension to the weak and are therefore not perfect and not intended for the perfect.⁷²

William later exposed the apparent difficulties with Thomas' argument in his own response to his mendicant critics, *Collectiones catholicae* (1266). In it, he claims that if Christ was most perfect, then the possession of a common purse should in no way detract from his perfection. Otherwise, Christ would have been less perfect at the time of the Passion than when he lived in the desert.⁷³ Throughout *Collectiones catholicae*, William continues to cite the *loculos* both to defend the common property of the Church and to disparage others who claim that renunciation, both communal and individual, is more perfect than individual renunciation. This latter argument, William asserts, is merely an attack on the established Church structure.⁷⁴

William's colleague, Gerard of Abbeville, also assailed Thomas on this position, and his treatment probably antedates that of William.⁷⁵ Gerard wrote his *Contra adversarium perfectionis christianae* in the 1250s, but

⁷⁰ *Manus*, 59.

⁷¹ *Manus*, 60–61.

⁷² "Et hoc dupliciter: aut perfectis, ut sunt illa eximia opera patientie et paupertatis. Et hec sunt imitanda tantum perfectis, quibus proposita sunt, aut imperfectis et infirmis. Et hec proposita sunt talibus ad imitandum, sed non perfectis." *Manus*, 63. See similar statements in *Manus*, 59.

⁷³ *Collectiones catholicae et canonicae scripturae ad defensionem ecclesiasticae hierarchiae* ... in *Opera omnia quae reperiri poterunt*, 364.

⁷⁴ *Collectiones*, 233, 255.

⁷⁵ *Contra adversarium perfectionis christianae* ed., P. Clasen in *Archivum Franciscanum Historicum* 31 (1938): 284, 32 (1939): 121–124, 140, 154, 163. On the dating of this work, see Congar, "Aspects ecclésiologiques," 46; P. Glorieux, "'Contra Geraldinos' l'enchaînement des polémiques," *Recherches de théologie ancienne et médiévale* 7 (1935): 133–136; idem, "Pour une édition de Gérard d'Abbeville," *Recherches de théologie ancienne et médiévale* 9 (1937): 62–65; and P. Grand, "Le Quodlibet XIV de Gérard d'Abbeville: La vie de Gérard d'Abbeville," *Archives d'histoire doctrinale et littéraire du Moyen Âge* 31 (1964): 209–210.

did not circulate it publicly until the late 1260s due to the condemnation of *De periculis*. Gerard reproaches Thomas for his arrogance in claiming that Christ could ever have performed an act which was not in itself perfect. He compares Thomas' position to that of the Manichees who regarded money as evil *per se* and further argues that Thomas' treatise is simply an attack upon Christ himself.⁷⁶ Its arguments feature prominently in questions five and six of his Lenten Quodlibet of 1269, which treat prelates and the state of perfection.⁷⁷ In 1270, Gerard published a list of 110 errors taken from Thomas' *Manus*; seven of these concern the Franciscan's treatment of the purse.⁷⁸ Thomas' *Manus* also plays a large role in the secular theologian Nicholas of Lisieux's treatise *De perfectione status clericorum* (1270), directed specifically against Aquinas' *De perfectione spiritualis vitae* though more generally against the mendicant orders.⁷⁹ The legacy of Thomas of York's *Manus* was that it would eventually take a pivotal role in the second stage of secular/mendicant conflict at Paris. While the seculars attacked Thomas' position on perfection and poverty, the Franciscan spokesmen Bonaventure and John Pecham attempted to limit the damage and vindicate their fellow friar.

The Dominican Thomas Aquinas' role in the first part of the conflict consisted of two questions on manual labor in his Quodlibet VII of Lent 1256 which treat the topics of whether manual labor is a precept and whether one who performs spiritual works is exempted from manual labor.⁸⁰ Aquinas' main contribution in this controversy was his comprehensive treatise *Contra impugnantes cultum Dei et religionem* published in the late summer/early fall of 1256, shortly before the condemnation of *De periculis*.⁸¹ Aquinas was the only author in the conflict to attempt a

⁷⁶ *Contra adversarium* 32 (1939): 124, 131. William makes a similar argument in *Collectiones*, 373.

⁷⁷ A. Taeteart, "Quatre questions inédites de Gérard d' Abbeville pour la défense de la supériorité du clergé séculier," *Archivio italiano per la storia della pietà* 1 (1951): 128–163.

⁷⁸ *Exceptiones contra Manus quae contra Omnipotentem* in Bierbaum, *Bettelorden*, 169–207.

⁷⁹ In particular, Nicholas seems to enjoy contrasting the positions of Aquinas with those of Thomas of York. Paris, Bibliothèque de la Sorbonne, 228, f. 231^{ra}: "Dicit enim iste [Thomas] quod perfectio haberi poterit cum possessione communi bonorum et propriorum. Dicit econtra ille qui librum composuit qui incipit Manus quae contra Deum tenditur etc., quia tam bona communia quam propria sunt contemnenda pro perfectione." This is a topic of a future study.

⁸⁰ Quod. VII, q. 7, aa. 1–2 *Quaestiones quodlibetales* ed., P. Spiazzi (Rome, 1946), 153–154.

⁸¹ Congar, "Aspects ecclésiologiques," 46; H.F. Dondaine, intro. to *Contra impugnantes* in *Opera omnia* (Rome, 1970), 41A: 12; Dufeil, *Guillaume de Saint-Amour*, 232;

systematic refutation of *De periculis*;⁸² his intent, however, was not only to counter *De periculis*, but also to discredit most of the objections the secular theologians advanced against the mendicants' activities within the Faculty of Theology. That the work gives a wide coverage to many contemporary themes is a testimony to both Aquinas' competence as a polemicist and his ability to see many sides of a single issue.

To prove that religious may lawfully teach, Aquinas relies on tradition and enumerates many examples of religious who had previously taught. Many of the great doctors of the Church, including Gregory, Basil, and Chrysostom, were all religious. As teaching is not contrary to a religious vow, Aquinas argues that it cannot be forbidden for religious. Indeed, through the observance of poverty, chastity and obedience, religious have removed all matters that disquiet the human heart; they are thus well suited to both study and teaching.⁸³

Aquinas replies to the complaint that the friars encroached upon the seculars' sphere of activity through their magisterial activities by citing the example of the military orders. He writes that certain religious orders exist within the Church for the purpose of defending it against enemies by force, although there is no dearth of secular princes who could fulfil this role. Noting that these religious have certainly not rendered the secular princes obsolete, he contends that there is no cogent reason why orders devoted to teaching and defending the Church against its enemies by verbal persuasion should not likewise be created.⁸⁴

Aquinas' argument that religious can lawfully belong to a consortium of secular masters focuses on the similarities of their shared goals. Both religious and seculars belong to the same Church, and both groups have entered an association of study to teach and to learn. Objections made to interaction between them are therefore foolish, since both groups have joined together for one and the same purpose.⁸⁵ He further asserts that

J.A. Weisheipl, *Thomas d'Aquino: His Life Thought and Work* (New York, 1974), 383–384. M.C. Sommers argues for an October 1256 dating in "Defense and Discovery: Brother Thomas' *Contra impugnantes*," in *Laudemus viros gloriosos: Essays in Honor of Armand Maurer*, CSB (Notre Dame, 2007), 184–185.

⁸² Glorieux has shown that Aquinas follows *De periculis* so closely that he cites about one-third of the text. "Le 'Contra impugnantes' de S. Thomas: ses sources—son plan," *Mélanges Mandonnet* (Paris, 1930), I: 51–81.

⁸³ *Contra impugnantes* in *Opera*, 41A: 57.

⁸⁴ *Contra impugnantes* in *Opera*, 41A: 58. Sommers makes a similar observation in "Defense and Discovery," 194.

⁸⁵ *Contra impugnantes* in *Opera*, 41A: 65.

a multiplication of teachers ought not be avoided, but should rather be desired. If the number of masters were to proliferate, one teacher would be bound to be well versed in a subject of which another may be ignorant; both masters together, with their added knowledge of doctrine, would be better equipped to defend the faith.⁸⁶

Although Aquinas never mentions the word *opitulationes* within *Contra impugnantes*, he still cites Paul's sending of Timothy and Titus as sufficient scriptural justification for a delegation of religious to preach and to hear confession.⁸⁷ He further remarks that it may be advisable for parishioners to confess occasionally to someone apart from their parish priest. If a penitent confessed only to his parish priest, he may admit only his venial offenses and conceal the more grievous ones.⁸⁸ Aquinas dismisses Pseudo-Dionysius' description of monastic activities within the *ordo perficiendorum* on the grounds that he had been referring to lay monks and not to ministers of the Gospel.⁸⁹

Aquinas claims that manual labor is not a precept unless one is obliged to perform it by a religious vow.⁹⁰ He also states, perhaps in reference to the friars' academic activities at Paris, that manual labor is especially praiseworthy when it does not call one away from a more useful obligation.⁹¹ Against William's characterization of the friars as nosy busybodies, Aquinas maintains that under certain conditions religious should involve themselves in the affairs of others. He does warn, however, that religious are to avoid two faults in performing acts *ex officio caritatis*: first, one ought not become so occupied with the concerns of others that one neglects his own, and second, one must not abet others in illicit proceedings or with unlawful intent.⁹² He also assails William for the comparison between the mendicants and the *gyrovagues* by contending that preachers be permitted to travel in order to confirm brethren in faith.⁹³ Aquinas states against William that it may occasionally be commendable for preachers to employ eloquence and learning in the sermons,

⁸⁶ *Contra impugnantes* in *Opera*, 41A: 58.

⁸⁷ I Cor 4: 17; II Cor 12: 18; *Contra impugnantes* in *Opera*, 41A: 76. Discussed by Peuchmard in "Mission canonique," 263–264.

⁸⁸ *Contra impugnantes* in *Opera*, 41A: 82.

⁸⁹ *Contra impugnantes* in *Opera*, 41A: 80, 82.

⁹⁰ *Contra impugnantes* in *Opera*, 41A: 88.

⁹¹ *Contra impugnantes* in *Opera*, 41A: 92.

⁹² *Contra impugnantes* in *Opera*, 41A: 129–130.

⁹³ *De periculis*, 47; *Contra impugnantes* in *Opera*, 41A: 130–131.

especially when their primary motive is to teach Scripture, but he cautions that honeyed words in sermons are reprehensible when one uses them for the sake of vanity.⁹⁴

Aquinas refutes William's claim that the religious are false apostles by noting that the *pseudo-apostoli* of the New Testament were recognizable by two characteristics: they were not sent by God and they preached false doctrine. This appellation, he argues, cannot be imputed to those who bear a valid commission to preach.⁹⁵ The ordinary gloss on Mark 13:22 explains that the charges "false Christs" and "false prophets" were intended to designate the heretics who attacked the early Church.⁹⁶ Aquinas asserts that since the friars' opponents have not yet presumed to question the orthodoxy of their preaching,⁹⁷ the expressions *pseudo-christi* and *pseudoprophetæ* cannot rightfully be levelled against them.

Aquinas counters William's accusation that the friars are wolves and brigands who enter a door of the fold which is not legitimate by citing the ordinary gloss.⁹⁸ It compares the door of the fold to Christ and tabulates all the "wolves" or groups who try to enter the Christian fold illicitly. The gloss cites Jews, Gentiles, philosophers, Pharisees, and heretics, but Aquinas notes that it makes no mention at all of religious.⁹⁹ Religious are called thieves since they are accused of stealing what is not their own. However, as they have been legally commissioned to the care of souls and preach true doctrine, he notes, they steal from no one.¹⁰⁰ Likewise, preachers who receive permission to hear confessions cannot be designated *penetrantes domos*. Aquinas states that this expression cannot pertain to modern-day preachers because, when Paul originally used it, he referred to contemporary events and not to those of the future.¹⁰¹

⁹⁴ *De periculis*, 34, 61, 71; *Qui amat periculum* in *Opuscula*, 175; *Contra impugnantes* in *Opera*, 41A: 136.

⁹⁵ *Contra impugnantes* in *Opera*, 41A: 156.

⁹⁶ *ord.* in *Editio princeps* 4:125A; Beda, *In Marci evangelium Expositio* ed., D. Hurst (Turnhout, 1960) in CCSL 120: 600.

⁹⁷ *Contra impugnantes* in *Opera*, 41A: 157.

⁹⁸ *Jn* 10: 1; *De periculis*, 35–37; *Contra impugnantes* in *Opera*, 41A: 157.

⁹⁹ *ord.* in *Jn* 10: 1 in *Editio princeps* 4: 249A; Aug., *In Ioannis evangelium Tractatus CXXIV* ed., D.R. Willems (Turnhout, 1954), in CCSL 36: 390; *Contra impugnantes* in *Opera*, 41A: 157.

¹⁰⁰ *Contra impugnantes* in *Opera*, 41A: 157.

¹⁰¹ "... sed hoc quod dicit *Ex his sunt qui penetrant domos* ad praesens: unde dicit *penetrant*, non penetrabunt, *captivas ducunt*, non ducunt." *Contra impugnantes* in *Opera*, 41A: 158.

Aquinas repudiates most of Chapter Eight of *De periculis* by observing that ever since the earliest days of the Church, people have attempted to prove that the end of the world was at hand. Augustine reported that certain men claimed that Christianity would last three hundred and sixty-five years. Others believed that four hundred, five hundred, or even a thousand years would elapse between Christ's Ascension and Last Coming.¹⁰² Did not the Lord expose the foolishness of these arguments:

It is not yours to know the times or the moments.¹⁰³

Aquinas answers William's claim that the heralds of the Antichrist are religious by quoting the ordinary gloss on Psalm 82:7, which affirms that these emissaries will spring from all classes of men.¹⁰⁴ As for William's conditions that the Antichrist's heralds will spring from learned Christians who are prudent counsellors and regulars,¹⁰⁵ Aquinas states that these attributes could just as easily designate a praiseworthy man as an envoy of the Devil. The Lord taught that every tree is known by its fruits.¹⁰⁶ Should one not therefore look for Satan's emissaries from amongst the ranks of bad men?

Public discussion of the mendicants' privileges ended on 5 October 1256 when Pope Alexander condemned *De periculis*.¹⁰⁷ Alexander labelled the work "wicked, accursed, and damned" and drew attention to four of its most objectionable tenets: first, it contained perverse and wicked teachings against the power and authority of the Roman pontiff and his co-bishops; second, it maligned those who are voluntarily poor, who beg and live in the strictest poverty; third, it attacked those religious who pursue sacred studies; and fourth, it denigrated the condition of the mendicant religious state, in particular, that of the Friars Preachers and Friars Minor.¹⁰⁸ He then condemned William *in perpetuo*, excommunicated him, deprived him of his benefices and offices and, at King Louis IX's request, notified him that he would thereafter need a

¹⁰² Aug., *De civitate Dei* eds., B. Dombart et A. Kalb (Turnhout, 1955) in CCSL 48: 653; *Contra impugnantes in Opera*, 41A: 161.

¹⁰³ "Non est vestrum nosse tempora vel momenta ..." Acts 1: 7; *Contra impugnantes in Opera*, 41A: 161.

¹⁰⁴ *ord.* in *Editio princeps* 2: 562A; Aug., *Enarrationes in Psalmos* eds., D.E. Dekkers et J. Fraipont (Turnhout, 1956) in CCSL 98: 764–765; *Contra impugnantes in Opera*, 41A: 164.

¹⁰⁵ *De periculis*, 53–56; *Qui amat periculum in Opuscula*, 170.

¹⁰⁶ Mt 7: 16–17; *Contra impugnantes in Opera*, 41A: 165.

¹⁰⁷ *Chart.* I, No. 288, 331–333.

¹⁰⁸ *Chart.* I, No. 288, 331–333.

papal license to enter France.¹⁰⁹ He requested prelates to publicize the papal decrees against the work.¹¹⁰ Alexander forced William's colleague Odo of Douai and his apparent student Chrétien of Beauvais to submit by agreeing to uphold *Quasi lignum vite* and to acknowledge that begging, on account of the example of Christ, is truly the state of salvation and perfection. He also compelled them to accept Bonaventure and Thomas Aquinas as masters of theology and to swear that "all that is contained in *De periculis* about pseudoprophets, pseudoapostles, heralds of the Antichrist, *penetrantes domos* and the dangers of the Last Days does in no way refer to the mendicant orders."¹¹¹ Thus ended the first phase of the conflict dominated by William of Saint-Amour; papal intervention saved the friars, the University readmitted them, and their principles were recognized to be in conformity to evangelical doctrine.

However, William's allies worked in secret against the friars; they hired jongleurs such as Rutebeuf to popularize arguments made earlier by William.¹¹² Pope Alexander condemned *De periculis* repeatedly,¹¹³ and also censured any other books or indecent popular songs which belittled, defamed, or ridiculed the friars.¹¹⁴ William's supporters tried frequently to have him reinstated at the University, but each time they met with no avail.¹¹⁵ Alexander also notified Bishop Reginald of Paris that any master or student who attempted to communicate with William by means of letters or legates would be *ipso facto* excommunicated and could be absolved by the pope alone.¹¹⁶ Alexander hoped to end the conflict by isolating William from his colleagues and quondam partisans.

Although in exile, William remained active. In the early 1260s, he published his *Liber de antichristo et eius ministris* anonymously to celebrate the fact that the year 1260 had passed without any of Gerard of

¹⁰⁹ *Chart.* I, No. 314, 362.

¹¹⁰ *Chart.* I, No. 290, 335–337; No. 291, 337–338; No. 292, 338; No. 308, 353.

¹¹¹ "Item, quod ea, que continebantur in libello predicto ... que explicate vel implicite videbantur seu poterant in predictorum ordinum infamiam redundare, sicut de pseudo-prophetis et apostolis et de nuntiis antichristi, de penetrantibus domos et periculis novissimorum temporum, non intelligunt nec intellexerunt de fratribus ordinum predictorum ..." *Chart.* I, No. 293, 339–340.

¹¹² Dufeil, *Guillaume de Saint-Amour*, 148–150, 316–324; idem, "L'Oeuvre d'une vie rythmée: Chronographie de Rutebeuf," *Saint Thomas et l'histoire* (Aix-en-Provence, 1991), 671–687.

¹¹³ *Chart.* I, No. 296, 342–346; No. 342, 391.

¹¹⁴ *Chart.* I, No. 342, 391.

¹¹⁵ *Chart.* I, No. 309, 354–356; No. 332, 382–383; No. 343, 392–395; No. 353, 401–402; No. 354, 402–403.

¹¹⁶ *Chart.* I, No. 339, 388–389.

Borgo San Donnino's prophecies having come to fruition.¹¹⁷ In 1265, Pope Clement IV promulgated the bull *Quidam temere*.¹¹⁸ This new privilege stated that all friars licensed by papal legates were no longer required to seek the approval of the local bishop before undertaking their ministry. This bull seems to have instigated the publication of William's massive *Collectiones catholicae* in 1266. William addressed this work to Pope Clement, possibly hoping for rehabilitation, or at least to deter the pontiff from his current pro-mendicant policies. Although William divided this new work into five sections he labelled *distinctiones*, he restated all of the arguments of *De periculis* without amending any of the vulnerable passages identified earlier by Pope Alexander. Distinction Four of *Collectiones catholicae* presents an expanded list of fifty signs to identify true preachers from false ones.

The only substantial difference between *Collectiones* and *De periculis* is the length, intent, and William's use of source materials. This new work is a voluminous 383 pages in the seventeenth-century printed edition.¹¹⁹ While William again uses it to inform about the Antichrist's messengers, he also employs it as an opportunity to refute the mendicant polemical works of 1256. With respect to sources, William reports in the work's prologue that he obtained a copy of Hildegard of Bingen's prophecies which Bernard had collected and kept at the abbey of Clairvaux. These prophecies all derive from Hildegard's letter to the clergy of Cologne warning of the appearance of a dangerous new sect.¹²⁰ William vouches for their orthodoxy, claims that Hildegard had been canonized, and intermittently includes these prophecies, along with citations from Bernard, throughout the work.¹²¹

¹¹⁷ *Liber de antichristo et eius ministris* eds., E. Martène and U. Durand in *Veterum scriptorum et monumentorum historicum dogmaticorum moralium amplissima collectio* (Paris, 1731), IX: 1271–1445. On William's authorship of this work, see Congar, "Aspects ecclésiologiques," 44; R. Lerner, "Refreshment of the Saints: The Time after Antichrist as a Station for Earthly Progress in Medieval Thought," *Traditio* 32 (1976): 125, n. 93; A. Traver, "Liber de Antichristo and the Failure of Joachite Expectations," *Florensia* 15 (2001): 87–98.

¹¹⁸ *Bullarium Franciscanum* ed., J.H. Sbaralea (Rome, 1759) [rpt. Assisi, 1983], III: 14.

¹¹⁹ Alitophilus erred in his page enumeration by repeating the page numbers 222–225.

¹²⁰ For an edition and analysis of this letter, see K. Bund, "Die 'Prophetin,' ein Dichter und der Niederlassung der Bettelorden in Köln," *Mittellateinisches Jahrbuch* 23 (1988): 171–260. For a discussion of Hildegard and anti-mendicant polemic, see K. Kerby-Fulton, "Hildegard of Bingen and Anti-Mendicant Propaganda," *Traditio* 43 (1987): 386–399.

¹²¹ *Collectiones*, 126.

In *Collectiones catholicae*, William responds to Thomas of York's claim that to beg is a work of perfection "propter Christum" by stating that, if one followed this line of reasoning, theft or adultery committed "propter Christum" would likewise be perfect.¹²² William maintains that Scripture never characterizes mendicancy as an act of perfection and instead dismisses it as a pernicious. He cites scriptural examples in which the Apostles worked and protests that some even claim that Mary begged without any scriptural justification for their assertion.¹²³

William also treats the Franciscan distinction between ownership and use in his eighth sign of how to identify true preachers from false ones. He writes:

For we have not yet seen, nor do we now see, such a company of poor men of Christ who have no possessions in common. But one could ridiculously say that the abundant and spacious vineyards, the ample, fertile and pleasant fruit gardens, the vast, lofty, spacious, sumptuous and precious houses, the storehouses full of grain and the cellars full of wine, which even if they are not kept in their own houses, are still kept in the houses of others, are not possessions. One can also say that the chests filled with books and the coffers loaded with money, both from the donations of the living and the bequests of the dead, which, even if they were not collected by their own hands, but were gathered by the labor of others for their own diverse advantages, are still not possessions. And let us remain silent about the ecclesiastical ornaments, both silken and precious and gilded and sculpted, and about the gold and silver ecclesiastical vessels.¹²⁴

¹²² *Collectiones*, 283–284; *Manus*, 93. Thomas had preferred the phrase "pro Christo".

¹²³ "Item fingunt de Beata Matre Domini quod ipsa mendicavit cum hoc numquam scriptum in divinis litteris valeat reperiri." *Collectiones*, 263. William's source for this assertion is probably Francis' Rule of 1221 or the *Regula non Bullata* (RnB) c. 9: "... et fuit pauper et hospes et vixit de eleemosynis ipse et beata Virgo et discipuli eius." ed., K. Esser in *Die Opuscula des Hl. Franziskus von Assisi* (Grottaferrata, 1976), 385. Gerard of Abbeville, in his *Exceptiones* against Thomas' *Manus*, claimed that the Franciscan had stated that Mary had begged. Bierbaum, *Bettelorden*, 188.

¹²⁴ "Tale namque pauperum Christi collegium, quod nihil habeat proprium vel commune, nec dum vidimus, nec videmus. Nisi forte quis ridiculose dicat, hortos uberes, et spatiosos; pomaria spatiosa, et fertila, et amoena; domos amplas, et altas, spatiosas, sumptuosas, pretiosas, et amoenas; horrea plena tritico; cellaria plena vino, et si non in domibus suis saltem in domibus alienis; armaria plena libris; arcas refertas pecuniis, tam ex largitione vivorum quam ex legatis defunctorum, et si non manibus propriis, tamen manibus alienis per quaestus varios congregatis; non esse possessiones; ut de ornamentis ecclesiasticis, sericis et pretiosis, deauratis et praetonsis; nec non de vasis ecclesiasticis aureis et argenteis taceamus ad praesens." *Collectiones*, 359. Noted in Lambertini, *Apologia*, 77.

Whether any or all the aforementioned items can be classified as possessions, William simply retorts "let one judge who is able to judge."¹²⁵

In his discussion of possession and use, William notes that the pope has dominion over all of these regulars' possessions, including comestibles, potables, and vestments. He brands this doctrine insane and superstitious and argues that to claim to have use of an object without actual possession is simple verbal trickery; he dismisses those who do so as impudently speaking against their conscience.¹²⁶ He further states that these same regulars claim to live by begging but in reality they live off the pope's possessions—the ecclesiastical wealth which they themselves deride.¹²⁷

William questions the association made by some regulars between absolute poverty, both communal and individual, and the claim to perfection. After arguing that Christ himself held property, William cites the Donation of Constantine as further justification for Church wealth.¹²⁸ He sees no reason why Christ or the apostolic see should be in a lesser state of perfection than contemporary regulars. Since they assert that to have nothing for Christ is the highest perfection, those who dispense ecclesiastical wealth are therefore in a lesser state of perfection; such a claim injures not just the papacy but also the entire Church. "Open your eyes and see," William exclaims, "as it is nearly impossible to ignore it."¹²⁹

Much of Sign Eleven, which is about how to identify true preachers from false ones, concerns the communal wealth of the Church and Franciscan conceptions of property. William states that in the primitive Church all goods were held communally; since the Church must have property, he recommends dividing up the Church's holdings and dispensing them to all ecclesiastical institutions equally.¹³⁰ William writes that the New Testament does not prohibit possessions and argues that it would simply be more honest and natural for those *fratres* who profess to own nothing to admit that they in fact do.¹³¹ In Sign Twelve, William

¹²⁵ "Quae omnia supradictum utrum possessiones dici valeant, iudicet qui iudicare potest." *Collectiones*, 359.

¹²⁶ *Collectiones*, 360–361.

¹²⁷ *Collectiones*, 361.

¹²⁸ *Collectiones*, 362.

¹²⁹ "Aperi oculos tuos, et vide, quod iam fere nulli possibile est ignorare." *Collectiones*, 365.

¹³⁰ *Collectiones*, 371–372.

¹³¹ *Collectiones*, 377–379.

states that if someone collected all the money and property of such regulars, one would then see that they are just like any other monastic order.¹³²

In responding to Thomas of York, both Gerard of Abbeville¹³³ and William of Saint-Amour incorporate the Rule of St. Francis into their repertoire of materials to argue that many of the Franciscan's main points actually countered the intentions of his Order's founder. William notes that while Francis had commanded all aspiring friars to sell all of their goods and give them to the poor,¹³⁴ he also required manual labor. After quoting chapter five of the Rule *in toto*, William highlights the fact that Francis designates those brothers who perform manual labor as "those adhering to the holiest poverty."¹³⁵ William therefore questions why do brothers who are not prevented from working by a disability or a legitimate cause always beg? Continuing this line of argumentation, he provides an interpretation of a portion of chapter six of Francis' Rule, "and they should go confidently after alms." William explains that this directive pertains only to those friars who are exempted from work on account of weakness or injury or another valid reason.¹³⁶

In his discussion of evangelical perfection in Sign Eleven, William again discourses upon the states of perfection within the Church. Central to this debate was the issue of communal property. Paraphrasing Francis, William writes

Did not Francis write in Chapter Four of his Rule: I strictly forbid the brothers to receive money in any form either directly or through an intermediary? And later in Chapter Six: The brothers should appropriate neither house, nor place, nor anything for themselves.¹³⁷

Within this citation, William implicitly refers to Pope Gregory IX's bull *Quo elongati* which permitted *nuntii* to hold money for the Franciscans.¹³⁸ William continues by stating that Francis' directive about

¹³² *Collectiones*, 385.

¹³³ On Gerard and Francis' Rule, see *Contra adversarium* 32 (1939): 91, 130–134, 178–180.

¹³⁴ *Regula bullata* (RB) c. 2 in *Die Opuscula*, 367; *Collectiones*, 257.

¹³⁵ "... paupertatis sanctissimae sectatores." RB c. 5 in *Die Opuscula*, 368; *Collectiones*, 256–257 and discussed again at 277.

¹³⁶ *Collectiones*, 257.

¹³⁷ "Nonne Beatus Franciscus dicit in Regula sua cap. 4. Praecipio firmiter Fratribus universis, ut nullo modo denarios, vel pecuniam recipiant, per se, vel per interpositam personam. Et infra. Cap. 6. Fratres nihil sibi approprient nec domum, nec locum, nec aliquam rem." *Collectiones*, 382.

¹³⁸ On this point, see M. Lambert, *Franciscan Poverty: The Doctrine of the Absolute*

property applied not only to personal possessions but also to communal ones as well. After reiterating Francis' command, William intimates that the Order has strayed from its dictate by stating: "Therefore those friars, or their Churches, possess nothing either communally or privately."¹³⁹

In Sign Sixteen, describing how false apostles want to attain the title of *magister*, William injects portions of Francis' Rule and details how it commands that the brethren vow to serve and observe the Gospel. While William acknowledges that Christians are obliged to serve the Gospel of Christ with respect to precepts, he maintains that those who call themselves "those who observe the Gospel" should be obliged to follow not only the evangelical precepts, but also all of Christ's teachings, quoting Matthew 23, *Nec vocemini Magistri*. William affirms that Francis himself prohibited glosses to be made to the Rule, thus suggesting that the Franciscans' prominent role in theology deviated from their Founder's ideals.¹⁴⁰ Indeed, in the final portion of this sign, William claims that those who want to obtain a magisterial title have broken their vow, because Francis had expressly prohibited formal education.¹⁴¹

Pope Clement noticed the similarity between *De periculis* and *Collectiones catholicae*; he never ordered William's rehabilitation and instead questioned his mental state.¹⁴² If the intention of his *Collectiones* was to awaken dormant anti-mendicant sentiment, the work was ultimately successful. In the year following its publication, a synod in Reims severely restricted the friars' activities in that province.¹⁴³ Clement died on 29 November 1268 and the subsequent three-year papal interregnum gave the secular masters a new opportunity to challenge the friars. Whereas William dominated Phase One of the controversy, his students Gerard of Abbeville and Nicholas of Lisieux assumed their master's role in the second. The name *Geraldinos* given to the secular theologians involved in the conflict indicates the prominent role the former assumed in the con-

Poverty of Christ and the Apostles in the Franciscan Order (St. Bonaventure, NY, 1998), 86–90; V. Mäkinen, *Property Rights in the Medieval Discussion on Franciscan Poverty* (Helsinki, 1998), 73; J. Moorman, *History of the Franciscan Order* (Chicago, 1968), 117.

¹³⁹ "Ergo dicti fratres, seu illorum Ecclesiae, nihil habere possunt in proprio, nec in communi" *Collectiones*, 382.

¹⁴⁰ *Collectiones*, 399.

¹⁴¹ *Collectiones*, 400; RB c. 10 in *Die Opuscula*, 370.

¹⁴² "Te multe littere faciunt insanire." *Chart.* I, No. 412, 459.

¹⁴³ Douie, *Conflict between the Seculars*, 16; P. Glorieux, "Un synod provincial inconnu (Reims 1267)," *Revue des sciences religieuses* 8 (1928): 230–256; H. Lippens, "La lettre de Simon de Brion en faveur des mendiants: 1268," *Archivum Franciscanum Historicum* 29 (1936): 79–97.

troversy. In the case of Nicholas, despite Pope Alexander's prohibition, he remained in contact with William and appears to have written two of his works at the request of his former master.¹⁴⁴ He also sent a copy of his tract *De perfectione status clericorum* directly to William along with a prefatory letter.¹⁴⁵

The opening salvo of this new assault on the friars was Gerard's sermon *Postquam consummati sunt*, preached at the Convent of the Friars Minor on 1 January 1269.¹⁴⁶ Gerard uses the opportunity of the Feast of St. Sylvester, celebrated the previous day, to discuss the Donation of Constantine and to justify ecclesiastical wealth, designating those who possess nothing and claim perfection as heretics.¹⁴⁷ The Franciscan conception of evangelical poverty, he argues, is simply a thinly veiled attack on Church property. He uses the *loculos* as proof that Christ and the Apostles maintained common possessions, thus debunking the Franciscan doctrine of Christ's poverty. Moreover, Gerard concludes that the culmen and apex of ecclesiastical dignity and perfection rests in the office of pastoral care and the administration of the Church's wealth. Gerard repeats these themes in questions five and six of *Quodlibet III* delivered in Lent of that year, denouncing religious poverty both individual and communal and defending the perfection of prelates.¹⁴⁸

The major event of 1269, however, was the public appearance of Gerard's *Contra adversarium*. Gerard's work was undoubtedly a product of Phase One of the controversy, as he later admitted that it was a product of his youth.¹⁴⁹ This work, as we have seen, is a lengthy refutation of Thomas of York's *Manus*. Gerard recites a roster of scriptural citations to show that

¹⁴⁴ His work *Liber de ordine praeceptorum ad consilia* begins "A nostra parvitate vestra paternitas requisivit ..." Bierbaum, *Bettelorden*, 220. His *Contra Pecham et Thomam* begins "Iussioni paternitatis vestrae obtemperans, duabus quaestionibus, quas misistis breviter et succinte respondeo, ponens adversarii rationes, deinde nostras subiungens pro catholica veritate responsiones." Paris, Bibliothèque nationale de la France, nat. lat. 15986, f. 238^{ra}.

¹⁴⁵ *Chart.* I, No. 439, 495–498.

¹⁴⁶ On this sermon, see Teetaert, "Quatre questions," 116–119; Glorieux, "Les polémiques "Contra Geraldinos,"" *Recherches de théologie ancienne et médiévale* 6 (1934): 25–26. Bierbaum has edited it in *Bettelorden*, 209–219.

¹⁴⁷ Bierbaum, *Bettelorden*, 211.

¹⁴⁸ Teetaert, "Quatre questions," 128–163.

¹⁴⁹ Glorieux, "Contra Geraldinos," 133–134. Teetaert has challenged this view and has argued that the definitive form of *Contra adversarium* is an elaboration of themes Gerard examined in his *Quodlibet III* due to the similarity of subject matter. "Quatre questions," 125.

Christ and the Apostles had possessions thus establishing the pattern for ecclesiastical administrators.¹⁵⁰ He dismisses Thomas' view on possession as heretical¹⁵¹ and argues that under no circumstances should mendicancy ever be chosen voluntarily.¹⁵² He explains that Pope Gregory IX had never claimed that those who have only use of goods are more perfect than those who maintain possession in *Quo elongati*.¹⁵³ Gerard flatly states that the Franciscan distinction between use and ownership is not credible, especially with respect to clothes and comestables.¹⁵⁴ Possession, he asserts, simply cannot be separated from use.¹⁵⁵ He reminds his reader that although Francis might have cautioned his brethren about money, Christ nevertheless used it, so abstaining from it has nothing to do with perfection.¹⁵⁶ He uses the analogy of the human body to justify Church wealth; just as one needs sleep, food, and drink, so too does the Church need wealth, following the pattern established by Christ and the apostles.¹⁵⁷ The appearance of this work amounted to what would be a public declaration of war between the two parties.

The pamphlet warfare escalated at Paris over the next two years and can usually be divided into four groups based on chronology and thematic matter.¹⁵⁸ The first group concerns Franciscan responses to Gerard's *Contra adversarium*. Bonaventure replied to it in his *Apologia pauperum*,¹⁵⁹ as did John Pecham in his *Tractatus pauperum*.¹⁶⁰ Gerard later circulated his list of 110 errors against Thomas of York, while an anony-

¹⁵⁰ *Contra adversarium* 23 (1939): 94–98.

¹⁵¹ *Contra adversarium* 23 (1939): 124, 195.

¹⁵² *Contra adversarium* 23 (1939): 186.

¹⁵³ *Contra adversarium* 23 (1939): 131.

¹⁵⁴ *Contra adversarium* 23 (1939): 133–135.

¹⁵⁵ *Contra adversarium* 23 (1939): 194.

¹⁵⁶ *Contra adversarium* 23 (1939): 132.

¹⁵⁷ *Contra adversarium* 23 (1939): 153–154.

¹⁵⁸ S. Clasen, *Der hl. Bonaventura und das Mendikantentum. Ein Beitrag zur Ideengeschichte der Pariser Mendikantenstreits (1252–1272)* (Werl, 1940), 14–22; Glorieux, “Les polémiques,” 6–41; Teetaert, “Quatre questions,” 94–97.

¹⁵⁹ *Apologia pauperum contra calumniatorem in Opera*, VIII: 233–330.

¹⁶⁰ All the chapters of the *Tractatus* have been edited but they appear in different works. See A. van den Wyngaert (Paris, 1925) for the prologue through chapter six; F. Delorme, *Studi Franciscani* 29 (1932): 3–47 for chapters seven to nine; idem, *Collectanea Franciscana* 14 (1944): 84–120, for chapters eleven through fourteen; idem, *Fratris Richardi de Mediavilla, quaestio disputata de privilegio Martini IV* (Quaracchi, 1925), 79–88 for chapter fifteen, and A.G. Little, *Fr. Johannis de Peckham quondam archiepiscopi Cantuariensis, Tractatus tres de paupertate* (Aberdeen, 1910), 13–90, for chapters ten and sixteen and extracts of the prologue, chapters 7–9, 11, 12, and 15.

mous Franciscan compiled 133 errors against Gerard.¹⁶¹ Gerard, in turn, responded to these 133 errors in his own *Replicationes*,¹⁶² but when faced with the threat of an examination, Gerard composed his own *Liber apologeticus*.¹⁶³

In *Apologia pauperum* (1269), Bonaventure uses a methodical attack on Gerard's work to defend the Franciscan ideal of poverty and to defend the now-deceased Thomas of York. Bonaventure compares *Contra adversarium* to a loathsome and horrible stench arising from a bottomless pit¹⁶⁴ and provides a brief history of the conflict. He notes twice that Gerard wrote the work as a defense of the condemned treatise *De periculis* and opposing a judgement of the vicar of Christ is itself an act of rebellion.¹⁶⁵ Bonaventure summarizes and criticizes Gerard's three divisions of his text. In the first part, Gerard shows how Christ's flight from persecution and his eating of meat and drinking of wine did not detract from his perfection. Bonaventure discards this section as a praise of flight over martyrdom and as a denial of the spiritual remedies of abstinence and fast. He characterizes Gerard's discussion of ecclesiastical property in the second part as an attempt to prove that those with great wealth are admirable, while the state of those who possess nothing is imperfect. In the third book, Gerard responds to Thomas' claim that Christ taught the contempt of the temporal as the highest perfection; this section, Bonaventure claims, simply disparages the humility and poverty of the mendicant orders.

Bonaventure spends an entire chapter of the work using detailed and somewhat labyrinthine logical analyses to show how Gerard repeatedly contradicts himself throughout *Contra adversarium*. Bonaventure concedes that it is difficult to compare prelacy and the religious state; considered unconditionally, he states, prelacy is higher in perfection but the state of religion is safer. Because of the attendant dangers, he concludes that prelacy should be accepted only under compulsion.¹⁶⁶ He rails

¹⁶¹ Sorbonne, 228, ff. 88^{vb}–94^{vb}. This manuscript was destroyed during World War II and survives only as a microfilm.

¹⁶² Glorieux lists the manuscripts of these *Replicationes* in "Les polémiques," 30, n. 53 and *Répertoire des maîtres*, I: 359.

¹⁶³ Glorieux lists the manuscripts of this work in "Les polémiques," 31, n. 55 and *Répertoire des maîtres*, I: 359.

¹⁶⁴ "Tanquam fumus teter et horridus, e puteo abyssali prorumpens ..." *Apologia pauperum*, 234.

¹⁶⁵ *Apologia pauperum*, 235, 286.

¹⁶⁶ *Apologia pauperum*, 250–251.

against Gerard for warning against the longing for ecclesiastical honors and riches and then praising them to such an extent to make them desirable.¹⁶⁷ In his defense of Thomas of York, Bonaventure notes that Gerard attempts to ascribe false teachings to him, including the claim that the eating of meat was contrary to perfection.¹⁶⁸ Bonaventure also points out that his confrère had never claimed that the Franciscans were superior to other men who retain some private property, despite Gerard's assertion to the contrary.¹⁶⁹ He also notes how Gerard spends much time discussing fasting while Thomas of York never discussed the topic.¹⁷⁰ Gerard, in Bonaventure's opinion, misrepresents the entire work both by taking passages out of context and by treating it as an attack on Christ and prelates.

Bonaventure asserts that Gerard claims ownership is a higher perfection than poverty. If the ownership of Church estates is a principle of the highest perfection, Bonaventure contends, then nothing could ever be sold or given to the poor.¹⁷¹ He denounces Gerard's view of poverty as a barrier to perfection¹⁷² and, while explaining the importance of evangelical poverty, identifies Gerard as an enemy of the poor.¹⁷³ In refuting Gerard, Bonaventure considers Christ's acts internally and externally; from the outside, some of Christ's acts may have seemed imperfect, such as his flight and the possession of a common bag. However, Christ performed them from love rather than imperfection in order to provide an example to the imperfect.¹⁷⁴ Elaborating on Thomas of York's exposition of the *loculos*, Bonaventure provides a sexpartite explanation for the purse as a condescension to the weak, a warning to the wicked, an admonition to misers, a declaration to confute heretics, an example of the lesser monastic form of poverty, and a model for Church administrators.¹⁷⁵ He emphasizes the fact that Christ entrusted the purse to Judas, whom he knew in advance was a thief and a betrayer, a theme

¹⁶⁷ *Apologia pauperum*, 303.

¹⁶⁸ *Apologia pauperum*, 260.

¹⁶⁹ *Apologia pauperum*, 311. While Thomas added the specification "paribus aliis conditionibus," Bonaventure argued that a state in which all circumstances are identical simply does not exist. *Manus*, 48.

¹⁷⁰ *Apologia pauperum*, 266.

¹⁷¹ *Apologia pauperum*, 289.

¹⁷² *Apologia pauperum*, 304.

¹⁷³ *Apologia pauperum*, 303.

¹⁷⁴ *Apologia pauperum*, 238–239; Lambert, *Franciscan Poverty*, 143.

¹⁷⁵ *Apologia pauperum*, 284–285; Lambert, *Franciscan Poverty*, 144.

repeated by Pecham.¹⁷⁶ He questions Gerard's interpretation of the *loculos*; following Gerard's argumentation, Bonaventure asserts, those without a bag are not only imperfect, they are also outside the unity of the Church.¹⁷⁷

Bonaventure declares that the friars have never boasted of a greater perfection in others, though they have commended poverty as consonant with perfection.¹⁷⁸ He gives his fourfold interpretation of temporal goods including ownership, possession, usufruct, and simple use, noting that only the fourth element is necessary for life. Highlighting Francis' Rule and Pope Gregory IX's bull *Quo elongati*, Bonaventure alleges that Gerard has attacked not only Francis and the entire Church through his teachings on poverty, but also, using a charge that Gerard employs against Thomas, even Christ himself.¹⁷⁹ The final chapter of *Apologia pauperum* defends the teaching of the mendicants and their pastoral activities. He revives an old criticism of William and declares that no one has ever recommended an unrestricted multiplication of mendicant orders or friars.¹⁸⁰ Regarding the seculars' claims that the mendicants risk suicide by begging and are temptors of God, Bonaventure simply comments that they have followed this manner of life for sixty years now and no friar has yet died from lack of food or clothing.¹⁸¹

Pecham's *Apologia pauperum* (1270) is not only a refutation of Gerard's *Contra adversarium*, it is also a response to William's *Collectiones catholicae* and indeed Pecham was the only mendicant author to reply to it. Douie has noted that the various chapters of the book resemble a series of lectures on the points raised during the controversy that appear to have been hastily assembled into a book. Pecham's work closely follows Bonaventure's *Apologia pauperum* and Douie has suggested that they were working in close cooperation.¹⁸² In fact, Pecham incorporated some portions of Bonaventure's text, including his discussion of Christ's interior and exterior works, with very little alteration.¹⁸³

¹⁷⁶ *Apologia pauperum*, 284; *Tractatus pauperis* c. 5, 51.

¹⁷⁷ *Apologia pauperum*, 304.

¹⁷⁸ *Apologia pauperum*, 311.

¹⁷⁹ *Apologia pauperum*, 315.

¹⁸⁰ *Apologia pauperum*, 330; *De periculis*, 25–26.

¹⁸¹ *Apologia pauperum*, 323.

¹⁸² D. Douie, *Archbishop Pecham* (Oxford, 1952), 28–29; *Conflict between the Seculars*,

20.

¹⁸³ *Apologia pauperum*, 238; *Tractatus pauperis* c. 1, 18; *Conflict between the Seculars*, 20.

He begins by comparing the three books of Gerard's *Contra adversarium* to three unclean spirits vilely croaking in the manner of frogs what they could not prove.¹⁸⁴ In three chapters, Pecham lists and refutes a litany of arguments proffered by William against mendicancy, begging, and the requirement that religious perform manual labor.¹⁸⁵ Pecham assails Gerard by charging him with teaching that Christ taught to flee secular but not ecclesiastical honors.¹⁸⁶ He argues that Christ did not normally maintain a bag, as if he had one, he would have stayed in Jerusalem and not departed to Bethany.¹⁸⁷ Pecham instead interprets the *loculos* as the daily alms that were given to the Apostles by women.¹⁸⁸ Chapter ten of the work is a commentary on Francis' Rule and a reminder that this form of religious life has repeatedly received papal approbation.¹⁸⁹

In chapter sixteen, Pecham addresses arguments raised by William to show the Last Days are at hand and proceeds to refute them all as invalid or not applicable. He specifically takes issue with William's use of Hildegard's prophecies in his *Collectiones catholicae*. Regarding Hildegard, Pecham argues that the Apostle did not allow the teaching of women to be introduced in Church. As for William's claim that Bernard had collected Hildegard's prophecies, Pecham notes that Bernard possessed many writings, including the errors of Abelard. Pecham denies William's assertion that Pope Eugenius had canonized Hildegard and suggests that her prophecies might very well have been inspired by the devil.¹⁹⁰ He then introduces and refutes William's fifty signs from *Collectiones* to identify false preachers from true ones.¹⁹¹

The list of 133 errors composed against Gerard's *Contra adversarium* seems to have been sent to Bishop Tempier, and Gerard himself ran the risk of having his works placed under investigation. As a countermeasure, Gerard, or perhaps one of his supporters, prepared a defense in the form of responses to each of the 133 points. As a safeguard, however, he wrote his *Liber apologeticus* to exonerate the *Contra adversarium*, claiming that it had been published without his consent.¹⁹²

¹⁸⁴ "... quasi tres spiritus immundos, in modo ranarum, quod probare non poterant turpiter coaxantes." *Tractatus pauperis* prol., van den Wyngaert, 6; Little, 21.

¹⁸⁵ *Tractatus pauperis* cc. 7–9.

¹⁸⁶ *Tractatus pauperis* c. 2, 25.

¹⁸⁷ *Tractatus pauperis* c. 2, 25–26.

¹⁸⁸ *Tractatus pauperis* c. 5, 50–51.

¹⁸⁹ *Tractatus pauperis* c. 10.

¹⁹⁰ *Tractatus pauperis* c. 16, 76.

¹⁹¹ *Tractatus pauperis* c. 16, 64–65, 77–87.

¹⁹² "Les polémiques, 29–30,"; "Contra Geraldinos," 145.

The second group of polemics in the second stage of secular/mendicant conflict concerns the issue of Christian perfection and centers largely around Aquinas' *De perfectione spiritualis vitae* and the secular theologians' responses to it. In his Lenten 1269 Quodlibet, Aquinas concludes that religious who occupy themselves in teaching and study do not sin; rather, such activity was a work of perfection and such religious would be able to instruct others.¹⁹³ In his response *ad secundum*, he makes a distinction between perfection and the state of perfection. While the former consists in loving God and one's neighbor, the latter entails the solemn vows of poverty, chastity, and obedience, which Thomas refers to as means of perfection (*instrumenta perfectionis*). He develops these themes at more length later that year in his treatise *De perfectione*. In this work, Thomas explains the nature of perfection, the three monastic vows as aids to perfection, and the meaning of various states of perfection. He concludes that only bishops and religious can be in a state of perfection.

Aquinas begins *De perfectione* by expanding his Lenten Quodlibet and defining the perfection of the spiritual life as consisting in charity, in loving God completely first and foremost, and in loving one's neighbor.¹⁹⁴ Thomas identifies three areas in life that make the attainment of perfection difficult: wealth, sex, and one's will. To counter these, the Lord counselled the renunciation of temporal possessions, the eschewal of earthly ties and matrimony, and the abnegation of our will.¹⁹⁵ Thomas identifies these three counsels as means to perfection (*viae perfectionis*) and not simply perfection in themselves.¹⁹⁶ Therefore, poverty, chastity, and obedience apply to those who want to bind themselves to the permanent pursuit of perfection by a vow in a religious state. By interpreting poverty as a means to perfection rather than a basis for perfection, Thomas made a radical break from the Franciscans, a departure that was not lost on contemporaries. Pecham, in particular, took objection to this view in his *Tractatus pauperis*.¹⁹⁷ In *Contra Pecham et Thomam*, Nicholas of Lisieux observed:

¹⁹³ Quod. I, q. 7 a. 2 in *Quaestiones quodlibetales*, 13–14; J.-P. Torrell, *Saint Thomas Aquinas: The Person and his Work* trans. R. Royal (Washington, D.C., 1996), 85.

¹⁹⁴ *De perfectione spiritualis vitae* ed., H.F. Dondaine in *Opera* 41B (Rome, 1969), 69–72; P. Glorieux, "Pour qu'on lise le "De perfectione,"" *La vie spirituelle* 1930 (23): 97–126; Weisheipl, *Friar Thomas d'Aquino*, 266–267.

¹⁹⁵ Weisheipl, *Friar Thomas d'Aquino*, 263.

¹⁹⁶ *De perfectione* in *Opera* 41B: 80.

¹⁹⁷ *Tractatus pauperis* c. 5, 67; c. 14, 117–120.

And although the Friars Preachers and Minors are united in begging, they nevertheless disagree greatly on this issue of poverty.¹⁹⁸

Bishops, Aquinas argues, are also in a state of perfection. Like religious, they are in a state of permanent dedication through their consecration. A bishop fulfills his office by loving and aiding his enemies, laying down his life for the brethren, ministering to their spiritual needs, and either by exposing himself to death or devoting his whole life to their service. Aquinas argues that bishops are in a higher state of perfection than religious, as bishops have to perfect others and a greater perfection is needed to make others perfect than just being in a perfect state. Although the episcopal state is higher, he cautions that it is not to be coveted, and the safest course of action is to decline a bishopric if offered one.¹⁹⁹

Aquinas published the twenty-three chapter version of *De perfectione* in winter 1269; shortly thereafter, he received a list of counterarguments that he used to revise and lengthen *De perfectione*.²⁰⁰ These objections obviously stem from Gerard's Advent Quodlibet, which argues that parish priests, curates, and archdeacons are in a more perfect state than religious.²⁰¹ Chapters twenty-four to thirty of *De perfectione* contain Aquinas' recitation and refutation of Gerard's main points; he responds to some thirty arguments proffered by Gerard. Aquinas concludes that parish priests, curates, and archdeacons are not in a state of perfection because they lack the permanence and stability of either consecration or religious profession.²⁰² He revisits these themes in one question of his Lenten Quodlibet of 1270 which discusses the relative state of perfection of the mendicants with respect to the secular clergy.²⁰³ One article considers whether the state of religion is more perfect than the state of the parochial clergy or archdeacons.²⁰⁴

¹⁹⁸ "Et licet Fratres Praedicatores et Minores in mendicitate coniuncti sint, tamen in hac paupertatis quaestione multum dissentiunt." BnF, nat. lat. 15986, f. 246^{vb}.

¹⁹⁹ *De perfectione* in *Opera* 41B: 93–97; Weisheipl, *Friar Thomas d'Aquino*, 267.

²⁰⁰ Aquinas writes at the beginning of chapter twenty-four: "... quorum assertiones postquam premissa conscripseram ad me pervenerunt." *De perfectione* in *Opera* 41B: 99.

²⁰¹ Quodlibet XIV, qq. 1–2. Grand, "Le Quodlibet XIV," 227–243; This Leonine Commission has reedited question one of this quodlibet in *Opera*, 41B: 56–62. L. Bongianino, "Le questioni quodlibetali di Gerardo d'Abbeville contro i mendicanti," *Collectanea Franciscana* 32 (1962): 5–55; J.-P. Torrell, *Saint Thomas Aquinas*, 86; Weisheipl, *Friar Thomas d'Aquino*, 267–268; K. White, "The Quodlibeta of Thomas Aquinas in the Context of his Work," *Theological Quodlibeta in the Middle Ages* ed., C. Schabel (Leiden, 2006), I: 74.

²⁰² *De perfectione* in *Opera* 41B: 99–111.

²⁰³ Quod. III, q. 6, a.1–3 in *Quaestiones quodlibetales*, 54–58.

²⁰⁴ Quod. III., q. 6, a. 3 in *Quaestiones quodlibetales*, 55–58. On this article, see White, "The Quodlibeta of Thomas Aquinas," 76.

Nicholas of Lisieux responded to Aquinas in his monumental *De perfectione status clericorum*, which, judging by extant manuscript evidence, never produced the same level of interest as did Thomas' *De perfectione*. While Aquinas' work survives in 118 partial and complete manuscripts,²⁰⁵ Nicholas' is extant in one and remains unprinted.²⁰⁶ Like Gerard, he divides his work into a collection of three books and contends that perfection consists in the administration of Church wealth and pastoral care, citing the Levites as the model for the priesthood. Quoting Pseudo-Dionysius at length, he argues that bishops, priests, and deacons are in state of perfection²⁰⁷ and that the imposition of hands upon all three at their time of ordination attests to their perfect state.²⁰⁸ He extracted portions of his work and later in the year circulated a list of twenty-three errors he collected from Aquinas' *De perfectione* and Lenten 1270 Quodlibet.²⁰⁹ Against Thomas, he argues that a vow or a perpetual obligation is not required for perfection and that the monastic state is not to be preferred over the priesthood. The sensational tone of this compilation permeates the entire work as he accuses Aquinas of reviving the errors of Pelagius, Vigilantius, Jovinian, and Berengar.²¹⁰

The third group of texts in this conflict carries a new charge made by the seculars against the mendicants: that they were accepting young boys (*pueri*) into religious orders. Both Pecham and Aquinas jumped to the support of their brethren in this debate to defend what was probably already a pre-existing practice. Gerard's *Duplex quaestio* appears to have initiated this new round of pamphlet warfare.²¹¹ He uses this scholastic device to inquire whether it is meritorious to induce boys to vow to enter religious orders. He opposes this practice and concludes that boys who have been persuaded to enter religion by an oath are not bound to do so. As Clasen has shown, Pecham's disputed question *De pueris oblati* is a direct response to Gerard's *Duplex quaestio*.²¹² Pecham uses this question to defend the practice of receiving youths at the age of fourteen

²⁰⁵ Weisshipl, *Friar Thomas d'Aquino*, 384.

²⁰⁶ Sorbonne 228, ff. 215^{ra}–315^{ra}.

²⁰⁷ Sorbonne, 228, ff. 245^{rb}–va.

²⁰⁸ Sorbonne, 228, f. 259^{ra}.

²⁰⁹ P. Glorieux, "Une offensive de Nicholas de Lisieux contre Saint Thomas d'Aquin," *Bulletin de littérature ecclésiastique* 1938 (39): 121–129.

²¹⁰ Glorieux, "Une offensive de Nicholas," 123–127.

²¹¹ P. Clasen, "Die 'duplex quaestio' des Gerhard von Abbeville über den Ordenseintritt Jugendlicher," *Antonianum* 22 (1947): 177–200.

²¹² Clasen, "Duplex quaestio," 180–182.

into the novitiate;²¹³ he restates this position in his Quodlibet of Lent 1270.²¹⁴ Aquinas devotes one question in his Quodlibet III of Advent 1270 responding directly to Gerard's claims.²¹⁵ The debate had clearly frustrated Thomas as he employs unusually strong language against Gerard claiming "to state that it is wrong to receive children into religion is diabolical."²¹⁶ Later, he asserts that "to say that those who are bound by an oath or vow to enter religion are not required to do so is manifestly heretical."²¹⁷

The fourth group of texts in the conflict falls under the category of the relationship of the commandments and the counsels of poverty, chastity, and obedience and the question of poverty in general. The stimulus for this new discussion was the seculars' argument that the precepts must first be mastered before undertaking the observance of the counsels. In his Lenten 1271 Quodlibet, Aquinas addresses the correct observance of mandates and counsels, and devotes one article to their connection with respect to children who want to enter a religious order.²¹⁸ Aquinas' second major polemical work of this phase of the controversy, *Contra doctrinam retrahentium a religione* (*Contra retrahentes*), falls into this fourth grouping of texts and incorporates portions of this Quodlibet. Although *Contra retrahentes* again treats the subject of children entering religious orders, it also argues against Nicholas that the mandates do not have to be mastered before attempting to observe the counsels. In this work, Thomas identifies three arguments which the seculars have made (*nituntur, dicunt*) against the mendicant orders and answers them in turn; these responses form the structure of the work.

First, Aquinas reports a claim against Nicholas, that no one should enter religious life and the practice of counsels until he has first mastered

²¹³ *Quaestiones disputatae* ed., G. Etzkorn (Grottaferrata, 2002), 279–312.

²¹⁴ Quod. I, q. 22 in *Quodlibeta quatuor* ed., G. Etzkorn (Grottaferrata, 1989), 52–53; G. Etzkorn, "Franciscan Quodlibeta 1270–1285: John Pecham, Matthew of Aquasparta, and Roger Marston," *Theological Quodlibeta in the Middle Ages* ed., C. Schabel (Leiden, 2006), I: 137. On the dating of this Quodlibet, see I. Brady, "Questions at Paris c. 1260–1270," *Archivum Franciscanum Historicum* 62 (1969): 687–689; Etzkorn, *Quodlibeta quatuor*, 21*–23*.

²¹⁵ Quod. III, q. 5, aa. 1–4 in *Quaestiones quodlibetales*, 48–53.

²¹⁶ "Dicere autem, quod malum est recipere adolescentes ad religionem, est diabolicum." Quod. III, q. 5, a. 1 in *Quaestiones quodlibetales*, 49.

²¹⁷ "Dicendum quod dicere quod illi qui voto vel iuramento sunt obligati ad intrandum religionem, non teneantur intrare, est manifeste haereticum." Quod. III q. 5, a. 2 in *Quaestiones quodlibetales*, 51.

²¹⁸ Quod. IV, q. 12, aa. 1–2 in *Quaestiones quodlibetales*, 86–96.

the precepts of the law.²¹⁹ Aquinas first establishes three groups of people to whom this rule cannot apply: children, those newly converted to the faith, and sinners. He then affirms that the observance of the commandments and counsels are ordained to the same goal: the love of God and the love of one's neighbor. Arguing that the precepts can more easily and more perfectly be kept by means of the counsels, he concludes that through the counsels, men can attain the perfect love of God and their neighbor.²²⁰

Second, Aquinas reports the charge that no one should enter the religious life until he has deliberated a long time and taken counsel of many friends and relatives.²²¹ Gerard earlier recommended deliberation and warned that such an inspiration could proceed from the devil.²²² Aquinas responds that if the inspiration to enter religious life is from the Holy Spirit, it must be followed as quickly as possible. He cautions, however, that excessive advice from friends can be detrimental and warns against guidance from family members.²²³

Aquinas' third point against the seculars concerns whether one should bind oneself by a vow to embrace the religious life.²²⁴ Gerard and Nicholas both protested this practice, citing Pope Innocent IV's decretal which required a year's probation before entering religious orders and prohibited the taking of a vow before the completion of the probationary year.²²⁵ Aquinas responds affirmatively, arguing that good works done under a vow are more meritorious than those performed without any such obligation. In the case of children, Aquinas distinguishes between a simple

²¹⁹ *Contra doctrinam retrahentium a religione* ed., H.F. Dondaine in *Opera* 41C: 40–42. Nicholas of Lisieux, *Liber de ordine praeceptorum ad consilia* in Bierbaum, *Bettelorden*, 220–221; idem, *De perfectione status clericorum*, Sorbonne 228, f. 220^{ra}: “Dominus ergo noster in verbis, doctor in factis, consumator adolescentiam prius lacte mandatorum potavit et ut ad vitam ingrederetur nutrari voluit, sed per mandata impleta iam ad hoc digno solidum consiliorum cibum proposuit.”

²²⁰ Weisiheipl, *Friar Thomas d'Aquino*, 269.

²²¹ *Contra retrahentes* in *Opera* 41C: 53–54.

²²² Clasen, “Duplex Quaestio,” 200. Nicholas likewise recommends deliberation in *Contra Pecham et Thomam*. BnF, nat. lat. 15986, f. 256^{va}: “Quod ab amicis spiritualibus zelum salutis animarum habentibus, quaerendum sit consilium aggrediendi perfectionis statum, testis est ille evangelicus iuvenis, qui viam salutis et perfectionis a Domino sollicitae inquisivit, Matt. 19.”

²²³ *Contra retrahentes* in *Opera*, 41C: 54–60; Weisiheipl, *Friar Thomas d'Aquino*, 269.

²²⁴ *Contra retrahentes* in *Opera*, 41C: 60–61.

²²⁵ *Bullarium Franciscanum* I: 342; Clasen, “Duplex Quaestio,” 195; *De perfectione status clericorum*, Sorbonne, 228, f. 222^{ra}; *Contra Pecham et Thomam*, BnF, nat. lat. 15986, f. 258^{rb}.

and a solemn vow. The simple vow is a promise to enter religion at a later date; such a vow can be invalidated by mental deficiency, children who have not yet attained the age of reason, or dependent status such as slavery. While parents can make a vow for their children, the child, upon reaching the age of puberty, may accept or reject it.²²⁶

Pecham's disputed question *De perfectione evangelica* (1270) closely follows *Tractatus pauperis* and upholds the view that the religious state is more perfect than the secular state.²²⁷ In his Lenten quodlibet of that year, he suggested that those who claim the secular state is more perfect than the religious state ought to be required to recant and make restitution.²²⁸ He inserts a *quaestio* into *De perfectione evangelica* treating counsels and mandates and argues that the most correct form of observing the commandments begins with the counsels,²²⁹ a theme he treated in his Lenten Quodlibet.²³⁰

The secular response is a question entitled *Hanc quaestionem*, which scholars have attributed alternately to Gerard of Abbeville and Nicholas of Lisieux though it now appears to be a product of the latter.²³¹ This question is divided into three parts: the first addresses counsels and precepts, the second is a response to Pecham's *De perfectione evangelica*, while the third portion is a brief reply to Aquinas' *Contra retrahentes*. Nicholas of Lisieux expanded all three portions of his work into two separate treatises. In his *Liber de ordine praeceptorum ad consilia*, he reiterates that the commandments must first be mastered before undertaking the evangelical counsels.²³² In early 1271, Nicholas revised the latter two sections of *Hanc quaestionem* to produce his *Contra Pecham et Thomam*. The bulk of this work consists of a point by point refutation of Pecham's conclusions about absolute renunciation in *De perfectione evan-*

²²⁶ *Contra retrahentes* in *Opera*, 41C: 63–64; Weisiheipl, *Friar Thomas d'Aquino*, 269–270.

²²⁷ *Quaestiones disputatae*, 264–312.

²²⁸ Quod. I, q. 30 in *Quodlibeta quatuor*, 61–64; Etzkorn, “Franciscan Quodlibeta,” I: 136.

²²⁹ *Quaestiones disputatae*, 270–279, 310–312.

²³⁰ Quod. I, q. 20 in *Quodlibeta quatuor*, 47–50; Etzkorn, “Franciscan Quodlibeta,” I: 137.

²³¹ S. Clasen, “Eine Antwort auf die theologische Quästion des Johannes Pecham über die vollkommene Armut,” *Franziskanische Studien* 25 (1938): 241–258. Glorieux attributes it to Gerard in “Les polémiques,” 21–24 and “Pour une édition,” 62. Clasen shows its similarity to Nicholas' other works in “Eine Antwort” and Teetaert, “Quatre questions,” 97, ascribes it to Nicholas.

²³² Bierbaum, *Bettelorden*, 220–234.

gelica. Nicholas reports a position of Pecham (*oppositio*) and then counters it in a response (*responsio*); about one-sixth of the text comprises a repudiation of Aquinas' arguments about accepting children into the religious life.

The election of Pope Gregory X in September 1271 ended public discussion of the theoretical aspects of the mendicant orders. Gerard and William died in the following year. The significance of these debates, however, resonated throughout the thirteenth century and beyond. In 1282, Pope Martin IV issued the bull *Ad fructus uberes* which gave the mendicants the right to preach and hear confessions without episcopal permission.²³³ French prelates sought clarification of this new bull and of how it pertained to the Fourth Lateran Council's canon *Omnibus utriusque sexus* which prescribed annual confession to a parish priest. In this new conflict, the Parisian Faculty of Theology remained uncommitted although several secular theologians sided with the French episcopacy and solicited modification or revocation of *Ad fructus uberes*.²³⁴ Several synods were held throughout France to treat the issue of this bull while bishops and theologians alike requested an authoritative interpretation of it. In 1290, the papal legate Cardinal Gaetani, the future Pope Boniface VIII, refused to revoke the bull, ruled against the French synods, and infamously suspended the secular theologian Henry of Ghent from teaching. Ten years later, however, Pope Boniface promulgated the bull *Super cathedram* which ultimately required that the mendicants seek diocesan permission before performing pastoral care.²³⁵ Nevertheless, due to the pro-mendicant policies of the papacy in the thirteenth century, the University began looking away from Rome and towards the French crown for institutional support. The University supported King Philip IV in his conflict with Pope Boniface thus beginning what scholars have interpreted alternately as the beginning of the Gallican or Conciliar movements.²³⁶

²³³ *Bullarium Franciscanum* III: 480; *Chart.* I, No. 508, 592.

²³⁴ Douie, *Conflict between the Seculars*, 26–30; P. Glorieux, "Prélats français contre religieux mendiants. Autour de la bulle "Ad fructus uberes" (1281–1290)," *Revue d'histoire de l'église de France* 11 (1925): 309–331, 470–495. A.G. Little, "Measures Taken by the Prelates of France against the Mendicants," *Miscellanea Francesco Ehrle* 3 (1924): 49–56.

²³⁵ *Bullarium Franciscanum* IV: 498–500.

²³⁶ G.K. Schleyer, *Anfänge des Gallikanismus in 13 Jahrhundert, Die Widerstand des Französischen Klerus gegen die Privilegierung der Bettelorden* (Berlin, 1937); McKeon, "Status of the University," 674–675.

For the Dominicans, Aquinas' insistence on poverty as a means of perfection rather than a basis for perfection helped to free them from the conflict that enmeshed the Franciscan Order. Throughout the remainder of the thirteenth century, and into the opening decades of the fourteenth century, the Franciscans' preoccupation with poverty as the basis for evangelical perfection caused dissension and divided their movement. The debate centered on whether their vow bound them merely to a lack of ownership of goods or to a restricted use of them as well. The subsequent *usus pauper* controversy split their Order into two camps: those who asserted that poor use was an integral part of the religious vow (Spirituals) and those who argued that such use could be adapted to varying circumstances (Conventuals).²³⁷ Both sides sought support in the polemical works of Bonaventure and Pecham.²³⁸

Frequent papal intervention failed to improve relations between the two factions. In 1279, Pope Nicholas III promulgated the bull *Exiit qui seminat* which approved previous mitigations of Francis' Rule by his predecessors but expressly declared the friars to be bound to a narrow or restricted use of goods.²³⁹ In 1312, Pope Clement V issued *Exivi de paradiso* which essentially affirmed *Exiit qui seminat* though it allowed superiors to determine the standards of quality in clothing and food.²⁴⁰ In 1317, Pope John XXII attempted to rein in the excesses of the Spirituals and threatened them with excommunication.²⁴¹

The issues of poverty and evangelical perfection dominated much of the pontificate of John XXII (1316–1334). In 1321, circumstances forced him to intervene again in Franciscan affairs when he was asked to rule on the doctrine whether Christ or his Apostles owned nothing either individually or communally. While the Franciscans vigorously supported the teaching, the Dominicans did not. In his determination, John first renounced dominion over Franciscan possessions; he then ruled it heretical to claim that Christ owned nothing either privately or communally.²⁴² Obviously, both determinations had a significant effect on the future development of Franciscan teachings on poverty and perfection.

²³⁷ On this controversy, see D. Burr, *Olivi and Franciscan Poverty* (Philadelphia, 1989).

²³⁸ D. Douie, *The Nature and the Effect of the Fraticelli* (Manchester, 1932), 9.

²³⁹ *Bullarium Franciscanum* III: 404–416.

²⁴⁰ *Bullarium Franciscanum* V: 80–86.

²⁴¹ In *Quorumdam exigit* in *Bullarium Franciscanum* V: 128–130.

²⁴² On the background and details of these events, see D. Burr, *The Spiritual Franciscans: From Protest to Persecution in the Century after Francis* (University Park, PA, 2001).

From a literary perspective, Rutebeuf and Jean de Meung translated many of the arguments made by the seculars, and in particular William of Saint-Amour, into the vernacular. In the fourteenth century, they crossed the Channel and became common *topoi* in the Middle English literature of the period as seen in Chaucer, Langland and others.²⁴³ Through their conflicts with the mendicants, the secular theologians of Paris thus helped to lay the foundation for the vernacular antifraternality literary genre of the later Middle Ages.

²⁴³ On this topic, see P. Szittyá, *The Antifraternality Tradition in Medieval Literature* (Princeton, 1986) and W. Scase, *Piers Plowman and the New Anticlericalism* (Cambridge, 1989).

CHAPTER SEVEN

MENDICANTS AND THE ITALIAN COMMUNES IN SALIMBENE'S CRONACA

DAVID FOOTE

"That means," Colonel Aureliano Buendia said, smiling when the reading was over, "that all we're fighting for is power."

Gabriel Garcia Marquez, *One Hundred Years of Solitude*

"Lest they be broken in the difficulties of life as they arise, it is necessary that men be instructed about what man is."

Salimbene, *Cronaca*

Dino Compagni opens the second book of his *Chronicle of Florence* with a passionate denunciation of his fellow Florentines. "Arise wicked citizens full of discord: grab sword and torch with your own hands and spread your wicked deeds. Unveil your iniquitous desires and your worst intentions. Why delay any longer? Go and reduce to ruins the beauties of your city. Spill the blood of your brothers, strip yourselves of faith and love, deny one another aid and support. Sow your lies, which will fill the granaries of your children. Do as did Sulla in the city of Rome. Yet all the evils that Sulla achieved in ten years, Marius avenged in a few days ... more is consumed in one day of war than is gained in many years of peace, and a small spark can destroy a great realm."¹

One can sense the urgency and distress as Compagni describes the implosion of the regime of the Florentine *popolo* during the late thirteenth and early fourteenth centuries, a regime in which he had heavily invested his efforts, hopes and emotions. At the same time, as one reads Compagni, one cannot help but think that there is, indeed, nothing new under the sun. Violent conflict, both within cities and between cities, plagued the world of the communes during the centuries before and after St. Francis. This conflict generated seemingly interminable, and at times frenetic, political experimentation. Between the twelfth and fourteenth centuries communal governments tested the relative merits of episcopal

¹ Dino Compagni, *Chronicle of Florence*, trans. Daniel Bornstein (Philadelphia, 1986), 33.

rule, consular regimes, podestarial governments, popular regimes, and signorial boss rule (to varying degrees indigenous, imperial, or papal), all the while crafting legislation and designing judicial procedures, both secular and ecclesiastical, to direct the polycentric interests of the city toward a community of purpose.² Despite this experimentation, or perhaps, because of it, there was an inherent instability to the communes. As Carol Lansing writes, “popular governments, despite their relative autonomy and . . . their innovations in judicial apparatus, were after all fatally weak.”³

Institutional mechanisms were not sufficient, at least by themselves, to restrain factional violence. Urban clergy and laity therefore crafted political theologies to reinforce institutional solutions, hoping to create civic identities sufficiently broad and compelling to unite the disparate interests that comprised communal society—urban and rural lineages; professional, mercantile and manufacturing associations; and peasants—into something that at least approximated a community. As one might expect, it was not uncommon for these political theologies to be self-serving, providing a theological justification for the political claims of a commune or of a particular group within a commune.⁴ Typically, these political theologies were no more durable than the coalition of political and religious interests that created them.

² For a good introduction and overview to the vast literature on the communes, see Edward Coleman, “The Italian Communes. Recent Work and Current Trends,” *Journal of Medieval History* 25 (1999), 373–397. Carol Lansing provides helpful and succinct overview of communal politics in her recent book, *Passion and Order: Restraint of Grief in the Medieval Italian Communes* (Ithaca, 2008), 21–47. For more detailed studies of the Italian communes see, Giovanni Tabacco, *The Struggle for Power in Medieval Italy: Structures of Political Rule*, trans. Rosalind Brown Jensen (New York, 1989); Philip Jones, *The Italian City-State: From Commune to Signoria* (Oxford, 1997); Daniel Waley, *The Italian City Republics*, 3rd ed. (New York, 1989); Lauro Martines, *Power and Imagination: City States in Renaissance Italy* (Baltimore, 1988).

³ Lansing, *Passion and Order*, 24.

⁴ For an introduction to the literature on civic identity, see Coleman, “The Italian Communes,” 390–396. See also David Foote, “How the Past Becomes a Rumor: The Notarialization Of Historical Consciousness in Medieval Orvieto,” *Speculum* 75:4 (October, 2000), 794–815; Foote, *Lordship, Reform, and the Development of Civil Society in Medieval Italy: The Bishopric of Orvieto, 1100–1250* (Notre Dame, 2004), 105–124, 145–160; *La coscienza cittadina nei comuni Italiani del duecento*, Convegni del centro di studi sulla spiritualità medievale, XI (Todi, 1972). For a fascinating local study on this subject see Marc von der Höh, *Erinnerungskultur und frühe Kommune. Formen und Funktionen des Umgangs mit der Vergangenheit im hochmittelalterlichen Pisa (1050–1150)* (Berlin, 2006).

This is the world in which the mendicants settled. Statistics concerning Franciscan settlements give us an idea of just how successful the mendicant movement in Italy was. By 1230, barely two decades after the founding of the order, there were already four hundred Franciscan houses. By mid-century there were as many as ten thousand Minorites in Italy alone.⁵ Therefore it comes as no surprise that over the course of the thirteenth century, there is hardly an aspect of communal life, whether public or private, left untouched by the mendicants. Most obviously, they belong to the story of pastoral care and lay spirituality, where they were less innovators than catalysts that sustained and energized processes already underway.⁶ As providers of pastoral care, their influence flowed through well established channels into practically every corner of communal life. They preached fiery sermons to crowds in city streets and piazzas, converting some, entertaining some, provoking some to anger.⁷ They heard confessions, sometimes to the consternation of the secular clergy, who, nevertheless, frequented mendicant schools and read mendicant manuals that helped them preach and hear confession more

⁵ Luigi Pellegrini, "Gli insediamenti francescani nella evoluzione storica degli agglomerati umani e delle circoscrizioni territoriali dell'Italia del secolo XIII," in *Chiesa e società dal secolo IV ai nostri giorni. Studi Storici in onore del P. Ilarino da Milano* (Rome, 1979), 195–197. Pellegrini is the pioneer of a rich literature on the settlement of the mendicants in Italy. Luigi Pellegrini, "Insediamenti rurali e insediamenti urbani dei Francescani nell'Italia del secolo XIII," in *Miscellanea Francescana* 75 (1975), 197–210; Pellegrini, "Gli insediamenti degli ordini mendicanti e la loro tipologia. Considerazioni metodologiche e piste di ricerca," *Les Ordres Mendicants et la ville en Italie centrale (v. 1220–1350)* (*Mélanges de L'École Française de Rome* 89 [1977]), 2:563–573; Mariano D'Alatri, "I più antichi insediamenti dei mendicanti nella provincia civile di Campagna," *Ibid.*, 2:575–585. Anna Imelde Galletti, "Insediamenti degli ordini mendicanti nella città di Perugia prime considerazioni e appunti di ricerca," *Ibid.*, 2:587–595; Anna Benvenuti Papi, "L'impianto mendicante in Firenze, un problema aperto," *Ibid.*, 597–608. C.H. Lawrence provides a helpful summary in *The Friars: The Impact of the Early Mendicant Movement on Western Society* (New York, 1994), 102–108.

⁶ See Augustine Thompson, *Cities of God: The Religion of the Italian Communes*, 1125–1325 (University Park, 2005), 10–11.

⁷ David L. D'Avray, *The Preaching of the Friars: Sermons Diffused from Paris Before 1300* (Oxford, 1985). *La predicazione dei frati dalla metà del '200 all'fine del '300* (Atti del XXII convegno internazionale Assisi, 13–15 ottobre 1994) (Spoleto, 1995). Zelina Zafarana, "La predicazione francescana," *Francescanesimo e vita religiosa dei laici nel '200*. (Atti del VIII convegno internazionale, Assisi, 16–18 ottobre 1980) (Assisi, 1981); 203–250. Alexander Murray, "Piety and Impiety in Thirteenth-Century Italy," in *Popular Belief and Practice: Papers Read at the Ninth Summer Meeting and Tenth Winter Meeting of the Ecclesiastical History Society*, ed., G.J. Cuming and Derek Baker (Cambridge, 1972), 83–106.

effectively.⁸ As the friars set down roots in the cities, lay confraternities gravitated to them, looking for direction and counsel in developing spiritualities consonant with their sense of calling, whether contemplative, active/charitable, or penitential.⁹ The growing number of mendicant saints provide yet another measure of the friars' success in shaping civic consciousness.¹⁰

Mendicant spirituality was intensely incarnational, like that of their spiritual great-grandfather, Pope Gregory the Great; therefore as one follows their pastoral work, one passes almost imperceptibly from the interior life of the soul to the palazzo comunale—two fronts in the battle between charity and carnality. They begged for alms and organized the distribution of charity to the poor.¹¹ With the financial support of laypersons and communal governments, they left their mark on the urban landscape, itself a quasi-liturgical space, by building magnificent churches and piazzas.¹² Many of these same benefactors sought burial in their churches, causing still more consternation among the

⁸ See Luigi Pellegrini, "Mendicanti e parroci: coesistenza e conflitti di due strutture organizzative della 'cura animarum,'" in *Francescanesimo e vita religiosa dei laici*, 129–167; Roberto Rusconi, "I Francescani e la confessione nel secolo XIII," *Francescanesimo e vita religiosa*, 251–309; George Dameron, *Florence and Its Church in the Age of Dante* (Philadelphia, 2005), 133–134; See Lawrence, *The Friars*, 152–165 for a useful summary.

⁹ The most extensive study of the mendicants' place in the broader development of confraternities is Gilles-Gérard Meersseman, *Ordo Fraternitatis: Confraternite e pietà dei laici nel medioevo* Italia Sacra, 24–26 (Rome, 1977); See also Thompson, *Cities of God*, 69–102; Servus Gieben, "Confraternite e penitenti dell'area Franciscana," in *Francescanesimo e vita religiosa*, 169–201; Giovanna Casagrande, "Penitenti e disciplinati a Perugia e loro rapporti con gli ordini mendicanti," in *Les Ordres Mendiants*, 2:711–721; Massimo D. Papi, "Confraternite ed ordini mendicanti a Firenze. Aspetti di una ricerca quantitative," *Les Ordres Mendiants*, 2:723–732; Mauro Ronzani, "Penitenti e ordini mendicanti a Pisa sino all'inizio del trecento," in *Les Ordres Mendiants*, 2:733–741; Attilio Bartoli Langeli, "Nobilità cittadina, scelte religiose, influsso francescano: Il caso di Giacomo Coppoli Perugino," *Les Ordres Mendiants*, 2: 619–628.

¹⁰ Andre Vauchez, "La commune de Sienne, Les Ordres Mendiants et le culte des Saints. Histoire et Enseignements d'une crise (Novembre 1328-Avril 1329)," in *Les Ordres Mendiants*, 2:743–747; Anna Imelde Galletti, "I Francescani e il culto dei santi nell'Italia centrale," *Francescanesimo e vita religiosa*, 311–363. André Vauchez, "Jacopo da Voragine e i santi del XIII secolo nella 'Legenda aurea,'" in *Ordini mendicanti e società italiana, XIII–XV secolo* (Milan, 1990); Vauchez, "Il culto dei 'nuovi' santi in Umbria nei secoli XIII e XIV," *Ibid.*, 186–193.

¹¹ Lester Little, *Liberty, Charity, Fraternity: Lay Religious Confraternities at Bergamo in the Age of the Communes* (Bergamo, 1988).

¹² See Thompson, *Cities of God*, 419–422; See also the collection of articles, *Architettura e urbanistica degli ordini mendicanti* in *Storia della città: Rivista internazionale di storia urbana e territorial* 9 (1978).

secular clergy. The friars served as bishops, sometimes appointed by the papacy, sometimes elected by the local clergy—evidence that their relation with the clergy was not always hostile.¹³ Laypersons attended their schools.¹⁴ They served as communal officials, administrators in public works projects, participated in the crafting of communal statutes, conducted inquisitions.¹⁵ They negotiated peace settlements between civic factions and between warring cities, both of whom typically grew impatient with peace and soon returned to battle, providing yet more opportunities for the friars to preach and negotiate treaties and truces. Futile? Perhaps, but sometimes, repetition is the mother of learning. On more than a few occasions, we find the friars on the other side of the negotiating table, embroiled in quarrels themselves. Franciscans fought each other over the meaning of poverty and Joachite eschatology. One does not have to look hard to find a spirit of rivalry between the Franciscans and the Dominicans, even as both united against the secular clergy and those who took up its cause, like William of St. Amour or William FitzRalph. The friars sometimes found themselves at odds with other orders, some long established, like the Cistercians, and some new, like the Apostles. Given the ubiquity of mendicant activity, the range of sources that scholars have used to study the friars is quite broad: saints' lives, canonization proceedings, chronicles, minutes of civic councils,

¹³ D'Alatri, "I più antichi insediamenti dei mendicanti nella provincia civile di Campagna," *Les Ordres Mendicants*, 2:584. See Robert Brentano, *A New World in a Small Place: Church and Religion in the Diocese of Rieti, 1188–1378* (Berkeley, 1994), 45–52; Foote, *Lordship and Reform*, 184–186.

¹⁴ The best study on the mendicant schools is Marian Michèle Mulchahey, *First the Bow is Bent in Study: Dominican Education Before 1350* (Toronto, 1998); Lawrence provides a useful summary in *The Friars*, 127–151.

¹⁵ Vauchez, "Una campagna di pacificazione intorno al 1233. L'azione politica degli Ordini Mendicanti secondo la riforma degli statuti comunali e gli accordi di pace," *Ordini Mendicanti*, 119–161. Giulia Barone, "L'ordine dei predicatori e la città. Teologia e politica nel pensiero e nell'azione dei predicatori," in *Les Ordres Mendicants*, 2:615; Brigitte Szabó Bechstein, "Sul carattere dei legami tra gli ordini mendicanti la confraternita laica dei penitenti ed il commune di Siena nel duecento," in *Les Ordres Mendicants*, 2:743–747. Giovanna Casagrande, "Penitenti e disciplinati a Perugia e loro rapporti con gli ordini mendicanti," in *Les Ordres Mendicants*, 2:721; Frances Andrews, "Monastic Observance and the Communal Life: Siena and the Employment of Religious," in *Pope, Church and City: Essays in Honor of Brenda M. Bolton* eds. Frances Andrews, Christoph Egger, and Constance M. Rousseau (Leiden, 2004), 357–383; Richard C. Trexler, "Honor Among Thieves, The Trust Function of the Urban Clergy in the Florentine Republic," in *Dependence in Context in Renaissance Florence*, (Medieval and Renaissance Texts and Studies) 111 (Binghamton, 1994), 17–34.

notarial records, inquisition registers, judicial records, episcopal registers and constitutions, civic statutes, art, architecture, literature, drinking songs, theological treatises, manuals for preachers and confessors, canon law, rulings of provincial chapters, papal and imperial registers.¹⁶

No easy task, to describe the complicated and difficult marriage between the mendicants and the communes. Confronted with such a topic that is, quite frankly, overwhelming, the goal of this chapter will be modest—to sit back and listen to Salimbene, one of the most loquacious children of this marriage, talk about himself and his parents. His chronicle, which covers events in Italy from 1168–1288, is arguably the most important narrative source for thirteenth-century Italy.¹⁷ Near the beginning of his chronicle he writes, “And I have been in this Order for many years as priest and preacher: I have lived in many provinces, seen many things, and learned much.”¹⁸ Born in Parma in 1221, he entered the Franciscan Order in 1238. From comments scattered throughout the chronicle, it is clear that he wrote the chronicle in 1283–1288, while living in the Franciscan convent at Reggio.¹⁹ As one listens to the friar in his mid sixties reflect upon his fifty years in the order, one cannot help but be amazed at the breadth of his experience. This is, of course, what makes

¹⁶ For a useful survey of the range of sources typically available in communal archives, see *Chiese e conventi degli ordini mendicanti in Umbria nei secoli XIII–XIV: Inventario delle fonti archivistiche e catalogo delle informazioni documentarie*. Archivi di Orvieto, eds. Marilena Rossi Caponeri and Lucio Riccetti (Perugia, 1987).

¹⁷ For an introduction to the bibliography on Salimbene, see Scalia’s introduction to Salimbene de Adam, *Cronica*, ed., Giuseppe Scalia, (Corpus Christianorum. Continuata Mediaevalis) 125, 2 vols. (Turnhout, 1998), I–li.

¹⁸ Salimbene, *Cronaca*, 56. I have generally followed Baird’s translations for the passages that I have included in this chapter. *The Chronicle of Salimbene de Adam*, trans. Joseph L. Baird, Giuseppe Baglivi, and John Robert Kane (Medieval and Renaissance Texts and Studies) 40 (Binghamton, 1986), 13. As one reads the chronicle, one is struck by the freedom with which Salimbene moves from place to place. Piecing together evidence in the chronicle, Scalia has provided a detailed summary of Salimbene’s travels. After joining the order in Parma in 1238, we can summarize his travels as follows: Fano (1238–1239); Lucca (1239); Jesi (1239); Siena (1241–1243); Pisa (1243–1247); Cremona and Parma (1247); France (1247–1248, including Lyons, Troyes, Provence, Paris, Sens, Auxerre, Vezelay, Arles, Marseilles, Hyères, Aix, Tarascon, Beaucaire, and Nice); Genoa (1248); back to France (1249 Hyères, Avignon, Lyons); Vienna and Grenoble (1249); Susa, Alexandria, Tortona (1249); Genoa, Bobbio, Parma, Bologna (1249); Ferrara (1249–1256); Borgo San Donino in 1259; Reggio and Parma (1260); Ravenna, Argenta, Ferrara (1264); Faenza, Assisi, Perugia, Verna (1265); Parma and Ravenna (1266); Ravenna (1268–1269); Imola (1270); Forlì, Ravenna (1273); Faenza (1274); Bologna (1276–1277); March of Ancona or Romagnana (1279); Reggio (1279–1285); Montefalcone (1285–1288). He died in 1288, probably at Montefalcone. Salimbene, *Cronaca*, ix–xii.

¹⁹ For a discussion of the length of his stay in Reggio, see Salimbene, *Cronaca*, xii.

him such a wonderful source for a study of the friars and communes. Indeed, there is scarcely anything in the long list of mendicant activities mentioned above that cannot be found in his chronicle.

As one might expect from a child of such a difficult marriage, Salimbene is a puzzling personality. There is a worldliness about him that sometimes seems out of place for a follower of St. Francis. The distance between the ideals of St. Francis and the realities of the lives and outlooks of Salimbene and his fellow Franciscans, as portrayed in the chronicle, has led a few scholars to question the depth or authenticity of his conversion—an old friar who no longer believes, but still plies the trade. Other scholars have found in the troubling distance between the real world of Salimbene's chronicle and the ideals of St. Francis a useful way to chart "those numerous, thorough-going compromises with the real world, which were eventually to make the friars the most popular subject of ridicule and satire in medieval literature," as Baird put it. Baird goes on to write that by the time Salimbene wrote his chronicle, "the Order had, in short, come to terms with harsh reality (perhaps inevitable if it was to continue to exist), while still espousing ideals which it no longer embodied. Salimbene is himself a perfect exemplar of the inherent contradictions which are characteristic of his Order." And so, Salimbene gives us the real story behind the triumphalism of the legends—a conventional, conformist religiosity that looks rather pale against the heroic spirituality of St. Francis.²⁰ At issue in such judgments is the question of conversion; to what extent did Salimbene convert to Franciscan ideals, and to what extent did he convert Franciscan ideals to the values of the Italian ruling elite? In other words, how and to what extent did the mendicants and the communes influence each other? There is no better case study for exploring this issue than Salimbene's chronicle.

Salimbene's chronicle is not an easy text to get one's arms around—979 pages in Scalia's edition—therefore I will focus on a limited range of issues: first, Salimbene's identity as a member of the communal ruling class; second, the way in which his aristocratic outlook shaped his experience and outlook as a friar, and vice versa; and third, the implications of Salimbene's chronicle as a distinctive political theology, offering citizens of the communes a sense of identity very different from that of typical communal political theologies.

²⁰ Baird, xi. For an overview of approaches to Salimbene, see also Silvana Vecchio and Carla Casagrande, "Cronache, morale, predicazione: Salimbene da Parma e Jacopo da Varagine," *Studi medievali* series 3, 30:2 (1989), 749–788.

Salimbene: Lineage and Conversion

Salimbene was an eyewitness to much of what he reports. There is, however, no pretense of the objective, transparent observer in his style. Though one can easily detect the typically dry, annalistic style of the chronicle sources that form the substrata of his narrative, there is a profound sense of authorial presence, of subjectivity, in the narrative that resuscitates the dry bones of his sources and brings them into the realm of human experience. As a result, the work often reads more like personal memoirs than a chronicle. For this reason, we know a great deal about Salimbene's life story and his outlook. For example, we learn of his birth in the midst of a dry and loosely connected narrative of events, some violent, some sacred, that occurred in 1221. "And in that same year on the feast of St. Lawrence, the 10th of August, the Mantuans were overcome, put to flight, and captured by exiles from Bedullo, who had come from Fabbrico and Campagnola in order to burn and pillage Bedullo. In 1221 the blessed Dominic died on the 6th of August. And I, Brother Salimbene de Adam of the city of Parma, was born in the same year on the 9th of October, the feasts of Saints Dionysius and Doninus."²¹ We learn another interesting detail of Salimbene's life as he tells of an earthquake that shook northern Italy in 1222, just one year after his birth. "And in that same year on Christmas Day, there was a great earthquake in the city of Reggio And this earthquake was felt throughout Lombardy and Tuscany My mother used to tell me that during the time of this great earthquake I lay in my crib, and that she grabbed up my two sisters, one under each arm—for they were small—and, with me left in the cradle, she ran to her family's home. For she feared, she said, lest the baptistery near our home should fall on her. And because of this, I could never afterward love her as much as before, because she ought to have been more careful of me, the male of the family, than of the daughters. Her explanation, however, was that they were easier to carry, although they were larger."²² One cannot miss the intriguing role that lineage plays in this vignette—his mother's fail-

²¹ Salimbene, *Cronaca*, 50; Baird, 8.

²² Salimbene, *Cronaca*, 50–51; Baird, 8–9. Given the height of the baptistery, she had good reason to fear. Much later in the chronicle, Salimbene describes a mountain cave in southern France, where St. Mary Magdalene did penance for thirty years; "The height of the mountain above the cave is as great as the height of the baptistery in Parma, and the cave is so high upon the side of the mountain that the three Asinelli towers of Bologna placed one on top of the other would not, I believe (if I am remembering correctly), reach it . . ." Salimbene, *Cronaca*, 789; Baird, 531.

ure to protect the male child threatened the lineage. Several pages later, still close to the beginning of the chronicle, it becomes clear that the connection between lineage and the baptistery in this story was more than incidental. Salimbene writes, “moreover, when the baptistery of Parma was being built, my father, so he told me, laid commemorative stones in the foundation. This baptistery was constructed on the site of the homes of my kinsmen, who, after the demolition of their homes, left the city and became citizens of Bologna, where they took the name of Cocca.”²³ Salimbene will mention his father’s role in the construction of the baptistery once again, in a passage close to the end of the chronicle, a passage that he would have written three to four years later. And so, it is fair to say that as he wrote his chronicle in the middle years of the sixth decade of his life, after having spent about fifty years in the order of friars minor, his lineage and the baptistery of Parma were very much on his mind.

One can easily imagine why Guido de Adam told his son about laying a foundation stone for the new baptistery. He came from a noble Parmese lineage.²⁴ To leave a memorial in the very epicenter of the city’s sacred landscape was a mark of honor and distinction for his family.²⁵ The importance of the baptistery in the city’s sense of identity is brought home to us later in the chronicle as Salimbene recounts Parma’s glorious victory over Frederick II and Cremona in 1247. “Also the Parmese took the Cremonese carroccio, which was in Victoria, and brought it into Parma and placed it with honor in the baptistery.”²⁶ More important for Salimbene, however, was the link between the baptistery and the glory of his family. He was fiercely proud of his father and his lineage. As he introduces the reader to his father’s forebears, the repetition of the names Roland and Oliver among the name stock of his kin speaks volumes about the sense of identity that Salimbene inherited from his family.²⁷ This knightly ethos, so prevalent among the communal ruling elite, finds expression in other ways. Just before describing his father’s role in the construction of the baptistery, Salimbene tells us that his father was a “strong and handsome man” who had accompanied Count

²³ Salimbene, *Cronaca*, 55; Baird, 12. See also Maureen Miller, *The Bishop’s Palace: Architecture and Authority in Medieval Italy* (Ithaca, 2000), 86–89.

²⁴ Salimbene, *Cronaca*, viii.

²⁵ One of the best examples of this comes from von der Höh, *Erinnerungskultur und frühe Kommune*, 292–314.

²⁶ Salimbene, *Cronaca*, 307; Baird, 193. Frederick’s crown was also captured and kept in the sacristy of the cathedral.

²⁷ Salimbene, *Cronaca*, 55; Baird, 12.

Baldwin of Flanders on the Fourth Crusade. Whether he distinguished himself in battle, Salimbene does not tell us; but we do learn that the war horse that his father took to the Holy Land “was commended for its beauty and excellence over all the others in his company.”²⁸ Reinforcing these deeply felt connections between his family, the baptistery, and the Holy Land, was Salimbene’s own baptism. “As my relatives tell me, Lord Balian of Sidon, a great baron of France—who had just returned from the holy Land to join the Emperor Frederick II—received me at the Holy baptismal font, which was near my home in Parma.”²⁹ Finally, there was one other important monument connecting his father, lineage, and the baptistery. After mentioning that his paternal grandmother was buried with her immediate relatives in a family burial plot, Salimbene mentions his father’s place of burial. “At a distance [from the family burial plot] my father had his own monument, a new one in which no one was yet buried, in the Piazza Vetere in front of the doors of the Baptistery, since the first monument [family burial place] was full.”³⁰

All of this weighed heavily upon the mind of the sixty-two year old friar as he wrote his chronicle, for he knew that when he died, so too would his father’s line. In the midst of yet another digression on his family, he writes, “I, Brother Salimbene, and my brother Guido de Adam, destroyed our house in both the male and the female line by entering the Religious Order.”³¹ Salimbene was the third of four sons. His oldest brother, Guido, a judge, had married into a noble Parmese family that prided itself on its relation to the Countess Matilda.³² Several years before Salimbene’s conversion, Guido decided to join the Franciscans. His wife, Adelasia, and daughter, Agnes, joined the convent of Clares in Parma.³³

²⁸ Salimbene, *Cronaca*, 55; Baird, 12. We also learn that Salimbene had an illegitimate brother, born of his father’s concubine, Recchelda. Salimbene tells us, “hic fuit homo pulcher et magnus bellator.” Salimbene, *Cronaca*, 78. He fought in the service of Frederick II against the church and later did penance for his misdeeds by making a pilgrimage to St. James at Compostella.

²⁹ Salimbene, *Cronaca*, 50; Baird, 8.

³⁰ Salimbene, *Cronaca*, 79; Baird, 30.

³¹ Salimbene, *Cronaca*, 81; Baird, 32.

³² Guido was actually Salimbene’s step brother, the son of Lady Ghisla de Marsili, from a noble Parmese family that lived near the episcopal palace in the lower part of the Piazza Vetere. This family apparently produced a number of prominent judges. Salimbene comments, “I have myself seen most of the members of this family. Some of them, especially the judges, dressed in scarlet.” Salimbene, *Cronaca*, 80; Baird, 30.

³³ Salimbene, *Cronaca*, 56; Baird, 12. Later, Salimbene tells us that he is writing his chronicle for Agnes, his niece. Salimbene, *Cronaca*, 284; Baird, 177. Salimbene’s second brother died at an early age. His third brother, John, was the son of his father’s concubine.

This sets the stage for the dramatic story of Salimbene's own conversion, a fascinating story on many levels, not the least of which being the allusions that he weaves into the account. "I Salimbene, the third son, who when I came to the *bivium* [parting of ways] of the Pythagorean letter [Y] ... I entered the order of the Friars Minor."³⁴ The image of the Pythagorean Y was a familiar one in the Middle Ages, mentioned in two sources that Salimbene frequently cites—Jerome and Isidore of Seville. Isidore writes, "Pythagoras of Samos was the first to form the letter Y as an example of human life. For its lower shaft signifies early age in its uncertainty, which has not yet given itself either to the vices or the virtues. The *bivium*, however, which is above, starts with adolescence; its right side is steep but reaches the blessed life; the left side is easier but leads down to fall and ruin."³⁵ Salimbene's reference to the Pythagorean Y is more than an incidental reference to show off his erudition. The fact that he repeats the same image in reference to his conversion later in the chronicle suggests that it expresses something fundamental about his self-understanding.³⁶

The image was aptly chosen, for Salimbene's conversion did, in fact, lead to a parting of ways with his father. "All his life my father sorrowed over my entrance into the Order of the Friars Minor, and would not be comforted, because he had no son left to him as an heir."³⁷ Salimbene goes on to tell of his father's relentless efforts to rescue him from the friars. These efforts culminated in a dramatic showdown between him and his father at the convent in Fano, where Salimbene stayed shortly after his conversion. "And so, many knights came with my father to the place of the friars in the city of Fano, so that they might see the outcome of my affairs; for them, I was made a spectacle; for me, these very things were the source of salvation."³⁸ The knights were not the only onlookers. In the midst of

³⁴ Salimbene, *Cronaca*, 56; Baird, 12–13.

³⁵ Quoted in Theodore E. Mommsen, "Petrarch and the Story of the Choice of Hercules," *Journal of the Warburg and Courtauld Institutes* 16:3 (1953), p. 185. As Mommsen demonstrates, this symbol was widely known long before Isidore explained its significance. In a letter offering advice to a Roman woman on raising her young daughter, Jerome wrote, *Qui autem parvulus est et sapit ut parvulus, donec ad annos sapientiae veniat et Pythagorae litterae eum perducant ad bivium, tam malla eis quam bona parentibus inputantur* ... "While the son is a child and thinks as a child and until he comes to years of knowledge (*sapientiae*) to choose between the two roads to which the letter of Pythagoras points, his parents are responsible for his actions whether these be good or bad." Letter 107 in *Sancti Eusebii Hieronymi Epistulae*, ed., Isidorus Hilberg (Vienna, 1996), 297.

³⁶ Salimbene, *Cronaca*, 423; Baird, 274.

³⁷ Salimbene, *Cronaca*, 57; Baird, 13.

³⁸ Salimbene, *Cronaca*, 57; Baird, 14.

the confrontation, Salimbene's father requested to speak with his son in private. The friars granted permission, quoting a phrase from John 9:21, "he is of age, let him speak for himself."³⁹ Salimbene writes, "and so the friars permitted this private meeting, especially because they had been greatly encouraged by my previous remarks. Yet they listened behind the door to what was being said, for they trembled like a reed in the water lest my father should change my mind by his enticements."⁴⁰ For them, as for Salimbene, it was no entertaining spectacle; this confrontation with his father was a cause for fear and trembling. One event, two ways of seeing: another motif, I would argue, that is absolutely fundamental for understanding Salimbene's chronicle. Those who take the path to the left see the world in one way, those who part to the right see differently.

If we follow the logic of the Pythagorean Y, to take the easier path to the left, the natural path of lineage, would be to choose the path to ruin. Shortly after mentioning that he and his brother Guido destroyed their family line, Salimbene felt obliged to tell the reader why he went into such great detail about his lineage. He listed five reasons. It is the fifth reason that most interests us, for it is the reason that most interested Salimbene, as evidenced by the long digression that it spawned. "The fifth and last reason was to demonstrate the truth of the words of the Apostle James, for he says in the fourth chapter: 'For what is your life? It is a vapour which appeareth for a little while and afterwards shall vanish away.' The truth of this can be seen in our own days in the large numbers that death has snatched away from our midst."⁴¹ Thus begins a long discourse about families that have been wiped out. About half way through the discourse he writes, "Let us make clear why we have written these things. In my own days I have seen many families destroyed in many parts of the world. An example is near at hand: in the city of Parma the Cassio family, from which my own mother came, was totally destroyed in the male line. Likewise, I have firsthand knowledge of the total destruction of two wealthy and influential families: the Pagani and the Stephani." After a string of scriptural citations, he decides that it is time to get back to his history. "But we have written enough about these matters. Now let us return to the course of our history and pick up where we left off. We have already related how in the month of August 1229 the

³⁹ It is worth noting that St. Jerome cites the exact same phrase from John 9:21 just before mentioning the "Pythagorean letter" in letter 107.

⁴⁰ Salimbene, *Cronaca*, 58; Baird, 14.

⁴¹ Salimbene, *Cronaca*, 82; Baird, 33.

Bolognese besieged the castle of San Cesario and captured it before the very eyes of the armies of Modena, Parma, and Cremona. But that same night a great battle ensued between those armies, and the war machines of the Bolognese were captured by force. In fact, as a small boy, I saw a great number of these machines in Vetere Square in Parma close to the baptistery, the episcopal palace, and the cathedral. In that war there was bitter fighting, and a great many men died on both sides, infantry and cavalry alike.”⁴² Elaborating on the “great many men [who] died on both sides,” Salimbene writes, “It was in this war that Lord Pagano, the son of Albert Giles de Pagani of Parma, podestà of the city of Modena, knighted his son Henry, saying to him, ‘Go attack the enemy and fight like a man!’ The young man did as he was told and, in the first onslaught, was pierced by a lance, so that blood gushed out of his body like new wine from a corkless jug, and he died shortly thereafter. Yet when the father heard the news, he said, ‘Since my son had become a soldier and died fighting like a man, I care not.’”⁴³

The story about the death of Henry, the son of Lord Pagano, is important, signaling that Salimbene’s account of his own lineage and conversion was no mere digression. Indeed, it takes us to the chronicle’s core themes. If we were to trace Salimbene’s train of thought—not always an easy task—from the vignette about Henry the knight back to its root, we would arrive at the sentence, “I, Brother Salimbene, and my brother, Guido de Adam, destroyed our house in both the male and female line by entering the Religious Order, so that we might build it up again in heaven.”⁴⁴ The point is difficult to miss. Lineages are fragile and ephemeral things, especially in the bellicose world of thirteenth-century Italy. For a youth like Salimbene, who was confronted with the choice between family or conversion, following the *bivium Pythagorice* to the left or to the right would not alter the fundamentally ephemeral nature of lineages. The real difference is whether, at the end of the path, one is left with an eternal home or a handful of dust. Once again, Salimbene had good reason to be proud of his family, for many of the knights, judges, and noblewomen of his lineage chose the steeper, more arduous path of Saints Francis and Clare.⁴⁵

⁴² Salimbene, *Cronaca*, 87; Baird, 36–37.

⁴³ Salimbene, *Cronaca*, 88; Baird, 37.

⁴⁴ Salimbene, *Cronaca*, 81; Baird, 32.

⁴⁵ One of the notable features in Salimbene’s description of his lineage is the number of family members—mother, brothers, nephews, nieces, and cousins, who joined or supported the Franciscans and Clares. As we listen to Salimbene describe the way

Salimbene: Aristocrat or Friar?

It is often noted that the social and political vision that shapes Salimbene's narrative is fundamentally incompatible with the spirituality of St. Francis. A common thread that runs through the list of Salimbene's peccadilloes is an aristocratic outlook that does not seem to fit comfortably with the ideals of the poverello. In this section I will consider some of these more troublesome aspects of Salimbene's outlook, considering the way in which he assimilates Franciscan ideals into his 'aristocratic' view of the social order. I will argue that what is sometimes dismissed as the unreflective, snobbish outlook of an aristocratic friar is best understood as an attempt to develop and translate the ideals of St. Francis into terms comprehensible to the ruling elite. This will provide a basis for examining his political theology in the final section of this chapter.

One obvious way that Salimbene's aristocratic outlook finds expression in the chronicle is the sense of pride with which he talks about his lineage and his personal connections with the rich and powerful. He was related to Pope Innocent IV by marriage.⁴⁶ As he narrates the story of Italian power politics, we often learn of his personal connections with prominent members of the Italian ruling elite. For example, he recalls how he once sat with Lord Azzo, Marquis of Este, under a fig tree and read the works of Joachim to him. Azzo's wife, Lady Mabilia, was one of a number of Italian noble women who were Salimbene's *devotae*, that is, women who confessed to him and looked to him for spiritual guidance.⁴⁷

He was at home among the elite, for he was a friar with the tastes of a cultivated gentleman. This comes through in a rather innocent way in his refined taste and skill in music.⁴⁸ Potentially a bit more worrisome

Franciscan ideals flowed into the branches of his family tree, we begin to get a picture of how the mendicants became such a pervasive influence in the life of the communes. Salimbene, *Cronaca*, 78–82; Baird, 29–32.

⁴⁶ Salimbene's step sister was married to a relative of Pope Innocent's brother-in-law. Salimbene, *Cronaca*, 88; Baird, 37.

⁴⁷ Salimbene, *Cronaca*, 571; Baird, 378.

⁴⁸ Musical talent and training apparently ran in the family. He mentions that his cousins (the daughters of his father's sister) were "splendid singers." Their father was also a talented singer and could play various musical instruments, though not like a minstrel, Salimbene is careful to add. Salimbene, *Cronaca*, 79; Baird, 30. In the midst of his travels from convent to convent, Salimbene apparently had occasion to study music with some friars who were very accomplished liturgical musicians. He writes with great admiration for the musical skills of two of his teachers, Brother Henry at Siena and Brother Vita at Lucca. *Cronaca*, 276–281; Baird, 172–175.

is Salimbene's refined taste in food and wine, which, when measured against the rigorous asceticism of St. Francis, may strike us as worldly. As he tells of his travels in France, he treats us to a short digression on French wines and the drinking habits of the French and English.⁴⁹ While in France, he attended a provincial chapter of the friars at Sens. King Louis IX of France, traveling south from Paris to set off for his ill-fated crusade, attended the chapter at Sens to request the prayers of the friars. After the chapter meeting, King Louis treated the friars to a magnificent meal. "We had, first of all, cherries and, later, the finest white bread; 'Wine also in abundance and of the best was presented, as was worthy of a king's magnificence' [Esther 1:7]. And in the Gallic manner many were invited and 'compelled to drink,' although they 'were not willing' [Esther 1.8]. Afterward, we had fresh beans cooked in milk, fish, crabs, eel-cakes, rice in almond milk and grated cinnamon, roasted eel in splendid sauce, cakes, cheese, and fruit in abundance. And all things were done with the utmost decorum and courtesy."⁵⁰

While this meal was certainly not typical Franciscan fare, neither was it in violation of the rule. In chapter three of the Rule of 1221, St. Francis writes, "All the friars without exception must fast from the feast of All Saints until Christmas, and from Epiphany, when our lord began his fast, until Easter. The friars are not bound by the Rule to fast at other times, except on Friday. In obedience to the Gospel, they may eat any food put before them."⁵¹ This is one of many examples of a freedom and flexibility in St. Francis' approach to rule making that may have escaped at least some of the Spirituals, whose strict adherence to the Rules sometimes earn them recognition as the 'true' followers of Francis.

More important, in this vignette, and others like it, a meal is often an opportunity for expressions of communality and humility. King Louis IX ate in the common refectory with the brothers, not, as one might expect, in a private room with a select group of elites. The meal was an occasion for the Minister General, John of Parma, whom Salimbene greatly

⁴⁹ Salimbene, *Cronaca*, 329–334; Baird, 208–211. In other places in the chronicle, Salimbene inserts goliardic verses on wine, drinking, gambling, and lechery. See, for example, *Cronaca*, 122–126; Baird, 61–64; *Cronaca*, 649–654; Baird, 435–439.

⁵⁰ Salimbene, *Cronaca*, 339; Baird, 215. For other references to meals with nobles and dignitaries, see Salimbene, *Cronaca*, 329; Baird 208–209; *Cronaca*, 588; Baird, 391; *Cronaca*, 654; Baird, 439; *Cronaca*, 605; Baird, 403.

⁵¹ *Regula non bullata* III.11–13 in François d'Assise, *Écrits*, ed., K. Esser, (Sources Chrétiennes) 285 (Paris, 1981), 128. I have used Habig's translation in *St. Francis of Assisi: Writings and Early Biographies*, ed., Marion Habig, 4th ed. (Quincy, 1972), 34.

admired, to exercise his humility as well. When King Louis asked John to sit at the head table with the dignitaries, he refused and sat at a lower table with the brothers. Salimbene writes, “so the presence of this humble man humbly choosing to sit at a lower table gloriously ennobled that table. Just so, did God place the great stars of the heaven not in one place set aside, but scattered them throughout the sky for the greater beauty and usefulness.”⁵² Salimbene notes how John distinguished himself by his humility on another similar occasion. “Thus John of Parma was a communal [*communis*] person, without private love to any one in particular; and he was very courteous [*curialis*] and generous at table, so much so that if various kinds of good wine were placed before him, he had it poured out equally in everybody’s cup, so that all could partake communally. And everybody held this to be the height of courtesy [*curialitas*] and love.”⁵³

One of the most intriguing characteristics of John of Parma’s *curialitas* and communal values is their transferability. Indeed, *curialitas* is the conversion of monastic communality into a knightly virtue, a virtue of an aristocratic court. What would John of Parma’s monastic humility look like in the life of a rich and powerful secular ruler? King Louis IX is one example. Salimbene gives us another example in a moral *exemplum*. “A certain king of England furnishes a good example of courtesy. For once when he was compelled to eat supper with his knights beside a fountain in a forest, one of his men brought forth a single flask of wine. When the king asked if there were any more and was told that there was none, he said, ‘We have enough for all,’ and then emptied the entire flask into the fountain with the words, ‘Let us all drink.’ When the knights saw the king’s courtesy, they rejoiced, seeing that he refused to drink alone when they would have to do without.”⁵⁴ Perhaps this is why, in the Rule of 1223, St. Francis writes, “I warn all the friars and

⁵² Salimbene, *Cronaca*, 338–339; Baird, 215. Salimbene draws this image of saints as stars in the nighttime sky from Gregory’s *Moralia*. See Carole Straw, *Gregory the Great: Perfection in Imperfection* (Berkeley, 1988), 66.

⁵³ Salimbene, *Cronaca*, 470; Baird, 307.

⁵⁴ Salimbene, *Cronaca*, 470; Baird, 307. This is no insignificant exemplum. This is the second time it appears in the chronicle. Earlier in the chronicle, Salimbene inserts it into his *Book of Prelates*, in order to illustrate an interesting principle, “quod singularitas est vitanda et communitas diligenda” (that singularity ought to be avoided and that communal values ought to be cherished). Just before inserting the vignette about the king of England, he notes that *curialitas* and *caritas* are sisters. Salimbene, *Cronaca*, 164–165; Baird, 94.

exhort them not to condemn or look down on people whom they see wearing soft or gaudy clothes and enjoying luxuries in food or drink; each one should rather condemn and despise himself.”⁵⁵ Implicit in this warning and in the general tenor of the rules and admonitions written by St. Francis is an interesting concept—perhaps only in embryonic form, waiting to be developed, but still there. The same virtues can express themselves in diverse ways according to the particular circumstances of the individual, whether a king or a Minister General like John of Parma who, by all accounts, was faithful to the example of St. Francis. Poverty and wealth, eating and fasting, are accidents. This is not to say that they are unimportant; indeed, they are critically important as diverse expressions of essential qualities, individualized according to particular circumstances. This idea finds expression in one of the guiding principles of mendicant preaching, the *sermones ad status*, which the mendicants borrowed from St. Gregory the Great’s *Pastoral Rule*.⁵⁶ Preachers must realize that while their goal is to encourage their hearers to cultivate a common set of virtues, an individual’s particular status constitutes a unique path to these virtues. This hylo-morphic vision that Gregory the Great bequeathed to medieval Catholic spirituality meant that a common spiritual life could find expression in diverse political and social statuses. Salimbene was well positioned to translate the spiritual values of St. Francis for members of his social class.

It is one thing to translate common spiritual values for a particular class; it is quite another thing to deny these common values to those outside of one’s class. It is here, in his disparaging comments about the lower orders of society, that Salimbene seems most unlike Francis. This tension is most palpable when he tells the story of Brother Elias, the beleaguered

⁵⁵ *Regula Bullata*, II.17, in *Ecrits*, 184; Habig, 59.

⁵⁶ Humbert of Romans, who provides a classic expression of this principle in his *Treatise on the Formation of Preachers*, quotes St. Gregory’s *Pastoral Rule* extensively. “Gregory says in his *Pastoral Rule*, ‘As Gregory Nazianzen of blessed memory taught us long ago, there is no single exhortation which is suitable for everyone, because men are not all held in any necessary equality of moral standards. Often what helps one man harms another So the teacher must devise a sermon which fits the quality of his congregation. There is one way to address men, another way to address women, one way for the young, another for the elderly, one way for the poor, another for the rich, one way for the cheerful, another for the sad, one way for subjects, another way for superiors, one way for servants, another way for masters’” *Early Dominicans: Selected Writings*, ed., trans., Simon Tugwell (New York, 1982), 246.

Minister General of the order (1232–1239), deposed in 1239 by Pope Gregory IX. In the course of his diatribe against Brother Elias, which constitutes a separate treatise inserted into the chronicle,⁵⁷ Salimbene complains, quite understandably, about Elias' poor administrative abilities; Elias failed to visit the districts of the order on a regular basis and did not provide a constitution, leaving the order to drift aimlessly. More interesting for our purposes are Salimbene's complaints about Elias' policy toward lay brothers, for it is here that we may be tempted to accuse Salimbene of snobbery ill-suited to a follower of St. Francis. "A second fault of Brother Elias was that he accepted many useless men into the Order. I lived in the convent of Siena for two years, for example and I saw twenty-five lay brothers there. Then I lived in Pisa for four years, and I saw thirty lay brothers there."⁵⁸ At the provincial chapters of Tuscany, the lay brothers outnumbered the clerical members of the order.⁵⁹ Salimbene acknowledges that there were good reasons for allowing lay brothers in the order. First, "in the construction of palaces, churches, or even houses, rough-hewn stones are laid first." Second, "The Lord chose the poor for his mission so that the credit for his work would be given not to the noble, the powerful, the wise, or the rich, but to Himself." Third, "the institution of lay brothers was revealed to St. Francis in a vision, as recorded in chapter three of his legend."⁶⁰ St. Francis closely imitated and followed the Son of God, who "has chosen the poor in this world." Salimbene did not object to the presence of lay brothers in the Order; rather he objected to Elias's failure to establish rules regarding their role. He goes on to say that these lay brothers often traveled about alone, without a companion, in violation of the rule, and they had little regard for the rules regarding apparel. Many of them scorned learning. Salimbene writes, "Yet the lay brothers would even condemn someone for speaking in Latin, crying

⁵⁷ He begins this section of the chronicle with the heading, "The Beginning of the *Book of the Prelate* which I wrote about Brother Elias; this book contains much good and useful material, and it continues to the notation, 'In the year of the Lord 1239, indiction 12.'" Salimbene, *Cronaca*, 140; Baird, 74. The book ends with the words, "Explicit the *Book or the Prelate* which contains many useful things about good and evil prelates." *Cronaca*, 252; Baird, 156.

⁵⁸ Salimbene, *Cronaca*, 145–146; Baird, 79. Salimbene was in Siena from 1241–1243, and in Pisa from 1243–1247. Presumably he received clerical orders shortly after his entrance into the order in 1238. He had been ordained a priest by 1248. Salimbene, *Cronaca*, 477; Baird, 312.

⁵⁹ Salimbene, *Cronaca*, 149–150; Baird, 82.

⁶⁰ Salimbene, *Cronaca*, 146; Baird, 79–80.

out, 'Do you wish to undermine holy simplicity through your learning, you wretch!'" Salimbene comments, "Truly, an ass wishes all it sees to be asinine, as is written in Lamentations."⁶¹

These disparaging comments go beyond mere squabbles among Franciscans. Toward the end of the chronicle, he tells a humorous anecdote about a demon-possessed peasant. A friar confronted the demon, asking him, "I would know for a truth that you are a demon who has entered this farmer, if you would speak to me in Latin." The demon replied in Latin but made so many errors that the friar began making fun of him. The demon replied, "I can speak as good a Latin as you, but this peasant's tongue is so thick and awkward for speaking that I can hardly make it work at all."⁶² On a more somber note, Salimbene discusses anti-magnate legislation in Bologna, about which he is none too pleased. He writes, "But the *populares* should fear lest the ire of God come upon them, because they act against the Scripture which says, 'Judge thy neighbor according to justice. Seek not revenge, nor be mindful of the injury of thy citizens.' Also it is through the *populares* and *rustici* that the world is destroyed, and through the knights and noblemen that it is preserved . . . it is a pestiferous thing when one who should be lower ascends on high, which God warns will happen because of sin."⁶³ It is hard to imagine these words coming from the mouth of St. Francis.

Nevertheless, to dismiss these comments as the unreflective, self-serving outlook of a snobbish aristocrat obscures as much as it clarifies. The real issue behind these disparaging remarks is the question of hierarchical order and status, not lay brothers and commoners themselves.⁶⁴ According to Salimbene, Elias inverted the proper order of

⁶¹ Salimbene, *Cronaca*, 965–966; Baird, 82. Salimbene's sentiments are not out of line with those of St. Francis, who, in his *Testament*, expresses a reverence for sacred writings and those who study them: "Whenever I find his most holy name or writings containing his words in an improper place, I make a point of picking them up, and I ask that they be picked up and put aside in a suitable place. We should honour and venerate theologians, too, and the ministers of God's word, because it is they who give us spirit and life." *Testamentum Sancti Francisci*, 13, in *Ecrits*, 206; Habig, 68.

⁶² Salimbene, *Cronaca*, 853; Baird, 575.

⁶³ Salimbene, *Cronaca*, 966; Baird, 650.

⁶⁴ With regard to lay brothers, this is especially clear when he praises John of Parma for defining a role for the laity in Order within a carefully considered framework of pastoral care. "Also, Brother John of Parma was the first Minister General who accepted spiritual sons and daughters (*devotos et devotas*) into the spiritual benefits of the Order of the Friars Minor, by giving out letters sealed with the seal of the Minister General. In this marvelous way, many men and women have become devotees of God and of the Order of St. Francis." Salimbene, *Cronaca*, 457; Baird, 298.

things—sometimes out of negligence, sometimes by design—by allowing lay brothers to rule over the clergy. “For he placed lay brothers in the positions of guardians, custodians, and ministers, an absurd practice, since there was an abundance of good clerks available in the Order.”⁶⁵ Salimbene acknowledges that in the Rule of 1223, St. Francis allowed for the possibility that provincial ministers might be laypersons, but Salimbene makes an interesting argument. “These words were written to fulfill the need for a particular time, at that point when there were not enough priests and learned men in the Order. But this lack has been remedied, and had already been, in Brother Elias’ time. Thus the cause ceasing, the effect ought to cease also.”⁶⁶ In other words, sometimes extenuating circumstances require a violation of order and decorum, but barring such constraints, the proper order of things should always be observed.

Likewise, in the vignette on Bolognese anti-magnate legislation, the problem for Salimbene is not the commoners themselves; it is their subversion of social hierarchy by appropriating functions that do not naturally belong to them. Indeed, commoners are as capable of developing and expressing virtues as ruling elites, and these virtues, when cultivated *ad status*, can produce notable accomplishments that benefit the common good.⁶⁷ It was a simple layperson, Brother Benedict, “a simple, illiterate man of genuine innocence and honesty of life,” who began the Alleluia, the great religious revival and peace movement that swept through the cities of north-central Italy in 1233.⁶⁸ Later in the chronicle, Salimbene tells the story of John Barisello, a poor, wise man (*vir pauper et sapiens*)—a tailor and the son of a tenant farmer—whose heroic efforts brought peace to Parma, just as it was about to be taken over by the violent despot and imperial partisan, Uberto Pallavicino.⁶⁹ What was the difference between John of Barisello and the Bolognese *populares* responsible

⁶⁵ Salimbene, *Cronaca*, 148; Baird, 81.

⁶⁶ Ibid. Salimbene’s reading of the rule is plausible. Chapter Seven of the *Regula Bullata* reads, “If any of the friars . . . fall into mortal sin, they must have recourse as soon as possible, without delay, to their provincial ministers If the ministers are priests, they should impose a moderate penance on such friars; if they are not priests, they should see that a penance is imposed by some priest of the Order.” *Ecrits*, VII. 1–2, 192; Habig, 62. The logic of this portion of the rule seems to indicate that it would be best if the provincial minister was a priest.

⁶⁷ Conversely, as we will soon see, it is the vices and destructive behavior of the ruling elites that comes through most strongly in the chronicle, not their virtues.

⁶⁸ Salimbene, *Cronaca*, 103; Baird, 48.

⁶⁹ Salimbene, *Cronaca*, 564–568; Baird, 373–377.

for anti-magnate legislation? John of Barisello saved the community without tinkering with the social order. From Salimbene's perspective, this meant that John did not place his singular interests above communal virtues. Quite the opposite, the Bolognese *populares*; they increased their power by altering the social order, thereby injecting the poison of singularity, or private interest, into the community—a poison that can only work itself out through conflict and violence.

Though never expressed so forcefully, these same assumptions about secular and ecclesiastical hierarchies are unmistakably present in St. Francis' writings. For example, St. Francis' radical concept of humility does not subvert the social order; it presupposes it. In his *Admonitions*, he writes, "Blessed that person who is just as unassuming among his subjects as he would be among his superiors. Blessed the religious who is always willing to be corrected."⁷⁰ No question about the order that designates some as superiors and others as subjects; the only true variable is the willingness of an individual with a given status to renounce their instinct toward self-justification. Likewise, the Eucharistic devotion that is so pervasive in St. Francis' later writings leaves no room for a spirituality divorced from the ecclesiastical hierarchy. All of his writings presuppose this hierarchy and affirm the superior dignity of priests, whether inside or outside the order. In his Testament, he writes, "God inspired me, too, and still inspires me with such great faith in priests who live according to the laws of the holy Church of Rome, because of their dignity, that if they persecuted me, I should still be ready to turn to them for aid. I am determined to reverence, love and honour priests and all others as my superiors. I refuse to consider their sins . . . I do this because in this world I cannot see the most high Son of God with my own eyes, except for his most holy Body and Blood which they receive and they alone administer to others."⁷¹ In a letter to a General Chapter, St. Francis writes, "Listen to this, my brothers, if it is right to honour the blessed Virgin Mary because she bore him in her most holy womb . . . how holy, and virtuous, and worthy should not a priest be; he touches Christ with his own hands . . . Remember your dignity, then my friar-priests. *You shall make and keep yourselves holy*, because God is holy. In this mystery God has honoured you above all other human beings." At the same time he reminds priests that they must be humble, because their dignity is rooted in the Eucharist. "That the Lord of the whole universe, God and the Son of God, should

⁷⁰ *Admonitiones*, XXIII, in *Écrits*, 112; Habig, 85.

⁷¹ *Testamentum Beati Francisci*, 1–10 in *Écrits*, 204–206; Habig, 67.

humble himself like this and hide under the form of a little bread, for our salvation. Look at God's condescension Humble yourselves that you may be exalted by him."⁷²

Without denying the distinctive features of the two Franciscans, it is fair to say that Salimbene and St. Francis share a conservatism toward the social and religious order that marks them as thoroughgoing children of medieval Christianity. Their conservatism was not too dissimilar from that of classical Hinduism, taking social status for granted as the path one is given for working out salvation. To undermine the hierarchical order is to undermine the salvation of oneself and others.

While it is tempting to interpret Salimbene's comments about lay brothers and commoners as the callous outlook of an aristocratic friar, there is more here than meets the eye. He was genuinely moved by St. Francis' radical poverty and, as we will see in the next section, he was fully aware of its political implications. In it he found a heroic effort to conquer the root of all political and social disorder—bondage to the possessive instinct. At the same time, since he was writing about sixty years after St. Francis' death, he had the benefit of hindsight. He was much more aware than the Poverello just how problematic mendicant poverty could be, both on a theoretical and practical level. St. Francis' spirituality was unmistakably communal; that is why it so captivated the imagination of Italians overwhelmed by factional conflict. Yet, it was not altogether clear what role the involuntary poor and the involuntary wealthy were supposed to play. Drawing on the writings of St. Gregory the Great, especially his *Pastoral Rule*, the mendicants worked through this problem by articulating the principles of a divine economy of begging with two distinct sectors. In the first sector, the wealthy were given opportunities to battle against their acquisitive instincts through charity to the mendicants. The second sector of this economy consisted of the distribution of charity to the involuntary poor with a view to helping them along the path of salvation. Nothing in this system was original to the mendicants. The principles had been fully articulated since the time of St. Gregory the Great and had become part of the stock and trade of Benedictine monasticism. The genius of St. Francis and the mendicants was to see in Benedictine monasticism a spiritual economy that addressed the most fundamental problems of communal politics and society. Just as *curialitas* was a translation of monastic communal virtues

⁷² *Epistola toti ordini*, 21–29, in *Œcrits*, 248–250; Habig, p. 106.

into a virtue that could be exercised by the secular ruling elite, so too, the economy of begging represents the translation of monastic poverty into an ideal of community for the lay communes. Salimbene offers a wonderful example of the way in which mendicants wrestled with both the potential and problems inherent in the radical poverty of St. Francis in order to create an ideal for communal life.

Salimbene had a difficult time reconciling himself to the task of begging. It was a humiliating experience for him. "When I was living in Pisa, I was very young, and my assigned companion was a certain fickle and lighthearted lay brother from Pisa A man from Parma, whom I did not know at all, approached and began to rebuke and condemn me harshly, saying 'Get out of here you wretch! There are many hired servants in your father's house who abound with bread [Luke 15.17] and meat, and here you are going about from door to door begging bread from those who have none themselves, although you yourself are rich enough to share with a multitude of the poor. You should be riding through the streets of Parma on your fine horse and engaging in tournaments.'" This encounter troubled him. On an emotional level, begging was an exercise in self abasement and humiliation, neither of which came easy to a man of Salimbene's pride and status. He recalls that later that night he realized, "not only would it be a long road for me but even, beyond my power, an embarrassing and unbearable kind of labor."⁷³ It was intellectually troubling as well, and the man from Parma put his finger right on the raw nerve. How does a member of the ruling class justify competing with the poor for alms?

This sense of embarrassment that Salimbene mentions is important, for it indicates that his very sense of identity was at stake. He came from the class of knights and noblemen, whose job it was to preserve the world.⁷⁴ What role did he play now that he was a mendicant? Many among the secular and ecclesiastical elite saw the mendicants as parasites, burdening the social order. Salimbene and his fellow mendicants did not shrink from this challenge. They embraced begging as central to their identity and made it the cornerstone of a social and political theology. As he writes elsewhere in the chronicle, "the Brothers Preachers and us

⁷³ Salimbene, *Cronaca*, 63–65; Baird, 18–19. Later in the chronicle, in the midst of a long discussion in which Salimbene defends the mendicants against the clergy, Salimbene reiterates the difficulty of begging and the embarrassment that one feels when doing it. *Cronaca*, 632; Baird, 423.

⁷⁴ Salimbene, *Cronaca*, 966; Baird, 650. See also comments above concerning his criticism of Bolognese anti-magnate legislation.

[the Franciscans] taught many men to beg and established the rules.”⁷⁵ It is to Salimbene’s articulation of this social and political theology and the mendicants’ place in it that we now turn.

The night after this embarrassing encounter, Salimbene had a dream. He was begging through the streets of Pisa, carefully avoiding the side of the Arno where Parmese merchants owned a hostel. As he walked through the district of St. Michael, he saw Christ, Mary, and Joseph begging from door to door, filling up a common basket with bread. Christ approached Salimbene, and thus begins a long, circuitous discourse on begging, the main principles of which come from the Rules of 1221 and 1223. “I am your Redeemer and this is my mother, and the third one here is Joseph, who is called my father. It is I who left my home and gave up my inheritance, and delivered my beloved spirit into the hands of my enemies so that I might bring salvation to mankind Therefore, do not blush my son, to beg for love of me”⁷⁶ Christ goes on to quote the Rule of 1223, chapter six, exhorting Salimbene not to be ashamed to beg; rather he should see it as a path to salvation and a way to serve God in poverty and humility, the very God who made himself poor for us.⁷⁷ In response to Salimbene’s question, “why do you not give abundantly to your servants and friends ... so that they may not be forced to beg with such effort and labor?” Christ responds, “It is my desire that men give that they may be rewarded for giving for love of me, just as those who receive are rewarded for begging for love of me.”⁷⁸ Not surprisingly, these are, essentially, the words of St. Francis. “The friars who are busy begging alms will receive a great reward themselves, besides enriching those who give them.”⁷⁹

In this long discourse we find an articulation of an economy of begging, or at least a part of it, that is already recognizable in the writings of St. Francis. Through voluntary poverty and begging, the friars foster their own salvation, by participating in the humility of Christ. They foster the salvation of those who give alms as well by giving them an opportunity to give to Christ out of love. What about the involuntary poor? Later in the discourse Salimbene makes a traditional distinction between voluntary

⁷⁵ Salimbene, *Cronaca*, 385; Baird, p. 248.

⁷⁶ Salimbene, *Cronaca*, 65–77; Baird, 20–29. The idea that Christ and Mary voluntarily embraced poverty and lived on alms is expressed clearly in the *Regula non bullata*, IX.5, in *Écrits*, 140; Habig, 39.

⁷⁷ *Regula Bullata*, VI. 1–3, in *Écrits*, 190; Habig, 61.

⁷⁸ Salimbene, *Cronaca*, 66–67; Baird, 20–21.

⁷⁹ *Regula non bullata*, IX. 9, in *Écrits*, 140–142; Habig, 39–40.

poverty, which is a path to perfection, and involuntary poverty, which has nothing of inherent worth.⁸⁰ Francis does not make this distinction. Rather, he expressed a genuine sense of companionship with the involuntary poor, and admonished the friars “to live among the social outcasts, among the poor and helpless, the sick and the lepers, and those who beg by the wayside.”⁸¹ Why does Salimbene depart from St. Francis here? Is it because of his aristocratic outlook? Perhaps this is part of it. Still, it is fair to say that the place of the involuntary poor in the economy of begging, as found in the writings of St. Francis, was not well developed. By the time Salimbene wrote his chronicle, a variety of circumstances demanded further articulation of these ideas. There were, in fact, several themes that Salimbene harmonized into his sense of identity as a mendicant. First, there was St. Francis, no doubt the dominant theme in Salimbene’s sense of religious identity. Second, there were the critics of the mendicants, who challenged the followers of Saints Francis and Dominic to articulate the principles of mendicancy in greater detail and in a more coherent fashion than had been necessary for the founders of the mendicant orders. Finally, Salimbene and his fellow mendicants drew upon rich theological and spiritual currents from late antiquity that had long nourished Benedictine monasticism. Salimbene recognized quite rightly that St. Francis and the mendicants were but the fruit of these traditions—grapes harvested from the vineyard, to use a metaphor popular among twelfth- and thirteenth-century ecclesiastical writers.

Who were the critics? Salimbene quite consciously crafted his dream-vision as a defense against two types of detractors. First, there were learned members of the upper clergy, whose spokesman, William of St. Amour, wrote an influential tract against the mendicants. At the end of the vision Salimbene writes, “The vision which I described above is true and contains absolutely nothing false, although I have added some words to that material with respect to the work written by Guillaume of St. Amour In this book he had asserted that no religious order depending for its existence on alms, even those that preach the word of God, could be saved.”⁸² There are two other places in the chronicle where Salimbene addresses criticisms from the secular clergy. One takes

⁸⁰ Salimbene, *Cronaca*, 76–77; Baird, 28.

⁸¹ *Regula non bullata*, IX. 2, in *Écrits*, 140; Habig, 39.

⁸² Salimbene, *Cronaca*, 77; Baird, 29. For a brief introduction and overview of the debate between William of St. Amour and the Mendicants, see Lawrence, *The Friars*, 154–158.

the form of a long diatribe.⁸³ The other is more indirect, woven into a story about Brother Rainald of Arezzo, who reluctantly accepted an appointment as bishop of Rieti, only to renounce the title and return to a humble life of begging. In the climax to this story, Salimbene tells us that one day, as Rainald was begging in the streets of Perugia, he came across a cardinal who rebuked him saying that it is better to give spiritual gifts (which Rainald could have done as a bishop) than to receive them. Rainald responded first by quoting Proverbs; “it is better to be humbled with the meek, than to divide the spoils with the proud.” More important, he offered a succinct statement of the mendicants’ understanding of their role in society; “it is more blessed to give spiritual things than to beg from others. And this is just what the Friars Minor do.”⁸⁴

How do the friars give by begging? Salimbene tells us as he addresses a second group of detractors, who were potentially more problematic, for they threatened to undermine the mendicant ideal from within. This second group consisted of illiterate laypersons, false mendicants according to Salimbene, whose ignorance of the economy of begging, brought all mendicant orders into disrepute. Later in the chronicle Salimbene devoted a long diatribe against Gerard Segarello, the founder of the Order of the Apostles. There were many things that bothered Salimbene about Gerard and the Apostles. Salimbene mentions that Gerard would lie nude with women in order to test his chastity.⁸⁵ He failed to provide any rules or direction for the order. As a result, the members of the order traveled alone and behaved like vagabonds.⁸⁶ But worst of all, Gerard and his order had nothing of spiritual value to give in exchange for the alms they received.⁸⁷ “These apostles of Gerard Segarello are great fools when they seek to live on alms and yet return no spiritual benefits. And this [the principle that those who receive alms must provide spiritual benefits in return] is made clear by many examples. First, the ... clergy, who are

⁸³ Salimbene, *Cronaca*, 606–647; Baird, 404–434.

⁸⁴ Salimbene, *Cronaca*, 498; Baird, p. 327.

⁸⁵ Salimbene, *Cronaca*, 403; Baird, 260.

⁸⁶ Salimbene, *Cronaca*, 414–415. Baird, 267–268. Salimbene’s complaints about the Order of the Apostles are much the same as his complaints against the direction of the Franciscan Order under Brother Elias. In both cases, Salimbene felt that lay spirituality, without the direction and counsel of the clergy, would only lead to chaos. See Thompson, *Cities of God*, 11.

⁸⁷ Salimbene, *Cronaca*, 437; Baird, 284. In reality, they did provide benefits. They preached. But this did not satisfy Salimbene, for they preached without proper authority and they were unlearned, therefore their preaching was of little benefit to their hearers.

well beneficed in the church, are obligated to perform the duties of office because they accepted prebends, namely, preaching, saying Mass, hearing confession of sins, giving good counsel, saying prayers for the living and the dead.”⁸⁸ Salimbene draws the same lesson from the monastic world, quoting St. Bernard: “Those who receive alms without making satisfaction for the sins of their benefactors stand in danger of the Judgment.”⁸⁹ In this diatribe against the Order of the Apostles, Salimbene has added a clerical/monastic element to the divine economy of begging that is absent in the writings of St. Francis. In addition to the intrinsic value of giving to someone in need, the giver also derives the benefit of pastoral care. Each party in the transaction has something of value to exchange. Of course, this clericalization of the economy of begging leaves even less room for the involuntary poor; for now the wealthy are not simply giving charity to the poor, they are, in essence, purchasing pastoral care. Why does Salimbene go in this direction? Another example of his callous aristocratic outlook?

We come to the heart of the issue in one of Salimbene’s rants against Gerard. “If he had listened to words of good counsel, he would have gone back to the hoe with his rustics and looked after the pigs and cows, and that would have been better for him than running about the world making a fool of himself and cheating people out of their alms and laying a heavy burden on the Christian people, who are already heavily burdened with a great multitude of mendicants.”⁹⁰ At issue here, as in other similar remarks, is the problem of social order. It is the very legitimate complaint of William of St. Amour and the Parmese merchant who cast aspersions upon Salimbene in the streets of Pisa. St. Francis offered a powerful image of humility and communal virtues by begging; he did not anticipate the possibility that his ideal could undermine the social order if it became too popular. A glut of mendicants would squeeze the involuntary poor out of the alms market and place an undue burden on the wealthy.⁹¹ It is tempting to see in Salimbene’s

⁸⁸ Salimbene, *Cronaca*, 440; Baird, 286.

⁸⁹ Salimbene, *Cronaca*, 438; Baird, 285.

⁹⁰ Salimbene, *Cronaca*, 441; Baird, 287.

⁹¹ Salimbene makes this point repeatedly in his comments on papal legislation concerning the mendicant orders. See Salimbene, *Cronaca*, 387, 408, 441, 741; Baird, 249, 263, 287, 499. These passages are interesting because it is here, in reference to papal legislation, that Salimbene specifically uses the phrase *ordines mendicantes* and *religiones mendicantes* as a generic label for the mendicants, emphasizing that with respect to the church, the defining feature of their *ordo* was begging.

demand that mendicants be priests, something of a guildsman's solution to the problem—institute a licensing procedure to regulate entrance into a trade. In fact, Salimbene found that this problem had long been solved by Benedictine monasticism, as evidenced by his citation of St. Bernard.

This still leaves the problem of the involuntary poor unresolved. In fact, it seems to make it worse, by arguing that alms are most beneficial when pastoral care is offered in return. St. Francis seems to offer little in the way of explicit advice in his writings. He certainly valued the involuntary poor as images of the poor, suffering Christ. This value was, however, projected onto them. This is not to say that it was insignificant, for it was a value that demanded a response of love and respect, not scorn, on the part of everyone who encountered them. Still, there remained to be articulated a role for the involuntary poor as conscious actors in their own right in the economy of begging as it pertained to the economy of salvation. A possible answer to this question is found less in St. Francis' writings than in his actions, that is, in his pastoral work of preaching and charity among the poor. Here we see the emergence of a distinct sector in the divine economy of begging and salvation—an exchange between the mendicants and the involuntary poor—that is less problematic.

There are hints of this second sector of the divine economy in the Rules of St. Francis. Candidates were required to give all of their possessions to the poor before they could enter the order.⁹² As noted above, St. Francis also admonished his followers to live in solidarity among the lepers, the poor, and the outcast. Nevertheless, this sector of the economy of begging remains underdeveloped in St. Francis' writings. One finds them developed much further in the biographies of St. Francis written by Thomas of Celano, who came from a noble family and may have received his education from the Benedictines at Monte Casino.⁹³ Celano provides a fuller description of what living in solidarity among the poor might look like. "Then the holy lover of complete humility went to the lepers and lived with them, serving them most diligently for God's sake and washing all foulness from them, he wiped away also the corruption of

⁹² *Regula non bullata*, II. 11 in *Écrits*, 126; Habig, 32. Celano emphasizes the importance of this rule in a story about St. Francis denying entrance into the order to a man who distributed his wealth to his relatives rather than to the poor. *Vita secunda S. Francisci Assisiensis*, XLIX. 81, ed. Fathers Quaracchi (1927), 85–86; Habig, 429.

⁹³ See Regis Armstrong's introduction to *The Francis Trilogy of Thomas of Celano*, ed. Regis Armstrong (New York, 2004), 11.

the ulcers.”⁹⁴ The saint’s struggle to overcome his revulsion to lepers was a crucial stage in his conquest of self. He was, at one and the same time, working out his own salvation and the salvation of the lepers through his ministry to them. St. Francis adopted this approach to the poor in general. “Of other poor, too, while he yet remained in the world and still followed the world, he was the helper, stretching forth a hand of mercy to those who had nothing, and showing compassion to the afflicted.”⁹⁵ In this ministry of compassion, he consciously functioned as a broker between the rich and poor. “He would ask the rich of this world, when the weather was cold, to give him a mantle or some furs. And when, out of devotion, they willingly did what the most blessed father asked of them, he would say to them: ‘I will accept this from you with this understanding that you do not expect ever to have it back again.’ And when he met the first poor man, he would clothe him with what he had received with joy and gladness.”⁹⁶ In this way, St. Francis stood at the intersection of the two sectors, uniting rich and the poor in a common drama of salvation.

This second sector of the economy of begging finds expression in Salimbene’s chronicle as well. In his narrative of the Alleluia, he tells the following story about Brother Jacopino of Reggio. “This Brother Jacopino held a great preaching service between Calerno and Sant’Ilario in the bishopric of Parma To this service flocked a great throng—men and women, boys and girls, from Parma, from Reggio, from the mountains and valleys, and from the fields and remote villages. It happened that a poor woman who was with child brought forth a son at this service, and in response to Brother Jacopino’s exhortation, the people lavished gifts on her.”⁹⁷ In other words, Brother Jacopino preached the gospel to her *and* addressed her material needs. Among Salimbene’s complaints against Gerard Segarello and the Apostles is that they failed to address the needs of the involuntary poor. “But these Apostles—or some of them—sell their little houses, gardens, fields, and vineyards; and they do not give to the poor but hoard up their golden florins, reserved for their private use to the scandal of their convent.”⁹⁸ True mendicant orders respect the principles of begging in both sectors of the economy.

⁹⁴ *Vita prima S. Francisci Assisiensis*, VII. 17, ed. Fathers Quaracchi (1926), 20–21; Habig, 242–243.

⁹⁵ *Ibid.*

⁹⁶ *Vita prima*, XXVIII. 76, p. 80; Habig, 292.

⁹⁷ Salimbene, *Cronaca*, 106; Baird, 50.

⁹⁸ Salimbene, *Cronaca*, 413; Baird, 266.

For the clearest articulation of this second sector of the divine economy of begging, we have to look to the Dominican Humbert of Romans. He writes, "Some preachers are so averse to any kind of worldly business that they refuse to help their hearers even in works of kindness. They are like ostriches which neglect their young, and are not following the example of the Lord, who had such compassion on the crowds which followed his preaching that he fed them miraculously in the desert." He goes on to quote St. Gregory the Great. "So Gregory says, in his *Pastoral Rule*, 'Some people are so keen to have all their time to themselves for spiritual affairs, that they do not concern themselves at all with any external matters. But their radical neglect of the concerns of the body means that they fail to help their people in their needs. This often leads to their preaching being ignored, because they castigate the activities of those who go astray without providing them with the necessities of this present life, so that there is no joy in listening to them. If a man is in want, no word of teaching will reach his mind, if it is not backed up by the hand of mercy.'"⁹⁹ Here, the poor have been fully integrated into a communal drama of salvation. Giving has as its end the salvation of the giver and receiver, who is free to act or not to act.

The radical poverty of St. Francis and the Christocentric spirituality in which it was rooted raised many difficult questions, not the least of which were the implications of this radical poverty for the social order. Friars like Salimbene and Humbert of Romans discovered that these were not new problems, and in addressing them, they saw no need to reinvent the wheel. They integrated the radical poverty of St. Francis into a traditional, Benedictine understanding of the economy of charity. It is worth noting that this economy of charity, as expressed in Humbert of Romans and Salimbene, was rooted in something yet deeper. The further one reads in Salimbene and other mendicant writers like Humbert of Romans, the more one is struck by the pervasive influence of Gregory the Great's theology, calling to mind the words of Jean Leclercq, "It seems that in the realm of theological analysis of the Christian experience, nothing essential has been added to Gregory the Great. But if the great ideas of the past are to remain young and vital, each generation must, in turn, think them and rediscover them in their pristine newness. This is a duty which, in the Benedictine tradition, has not been neglected."¹⁰⁰ In this sense, the

⁹⁹ Humbert of Romans, 306–307.

¹⁰⁰ Jean Leclercq, *The Love of Learning and the Desire for God: A Study of Monastic Culture*, trans. Catharine Misrahi (New York, 1982), 34.

mendicants were very Benedictine. Aquinas echoed these sentiments in his commentary on I Corinthians 14:5, declaring that in the *Moralia*, one can find practically every movement of the human heart.¹⁰¹

Salimbene's Chronicle as a Political Theology

St. Francis was a political theologian, a prophet from and for the turbulent world of the communes. He was uninterested in institutional solutions—the search of the proper mix of institutions, procedures, and practices to bring about a just and workable equilibrium. His principal piece of advice to secular rulers was to call to mind the brevity of life, and “put away all worry and anxiety and receive the holy body and blood of our Lord Jesus Christ fervently in memory of him.” He goes on to counsel rulers to send out a herald at a prescribed time each day and call the people to praise and thank God.¹⁰² Leaving the social and political order intact, his political theology targeted what he considered to be the root of the problem—the human condition, which, for Francis, was marred by a seemingly ineradicable instinct to possess—the source of all violence and poverty. The purpose of his radical poverty was to draw attention to the radical disease it was meant to cure.¹⁰³ Through bold, unforgettable actions, gestures, words, and sounds he offered archetypal symbols of virtues, like humility and love, upon which genuine community could be built. He did not expect all members of communal society to kiss lepers, refrain from touching money, and walk around barefoot. He challenged them to translate his archetypal actions into the common realities of everyday life. It is here that Salimbene comes in. His chronicle is a Franciscan commentary on thirteenth-century Italy—a Franciscan analysis of the violence against which Compagni raged.

The skeleton of Salimbene's chronicle is a political narrative of the north-central Italian communes (Tuscany, Umbria, Marche, Emilia-Romagna, the Veneto, Lombardia, and Liguria), largely derived from his chronicle sources. The political narrative that emerges from Salimbene's principal chronicle sources is, by and large, a story of conflict at three

¹⁰¹ Servais Pinckaers, O.P., *The Sources of Christian Ethics*, trans. Sr. Mary Thomas Noble, O.P. (Washington, 1993), 199.

¹⁰² *Epistola ad populum rectorem*, 2, 6–7, in *Écrits*, 260; Habig, 116.

¹⁰³ See also, Raoul Manselli, “Spiritualità Franciscana e Società,” in *Francescanesimo e vita religiosa*, 392, 395.

levels: internal feuds and factional strife, intercity warfare, and the struggle between Empire and Church.¹⁰⁴ Even before the outbreak of Frederick's struggle against the church, Salimbene's narrative is densely packed with war and violence between and within cities. "On the first of May in 1223, the Cremonese sailing with almost a hundred boats loaded with salt were captured by the Manutans, and the vessels were destroyed and sunk in the water of the river Bondeno. In 1224 the Mantuans came in their boats and closed off the highway to Reggio which passed through the swamps and over the Taleata, and they prepared bundles of combustible wood and set fire to the bridges and to the ships at their moorings. It was at that time that Lord Jacopo Palude was killed, an event which provoked great conflict between the Palude and the Fogliani families of Reggio."¹⁰⁵ Such were the familiar scenes of violence that informed Salimbene's childhood experience; all the more reason that the Alleluia, the preaching revival that spread through the cities of north-central Italy, made such a deep impression on him. "And the crowds of people made stops in the churches and in the squares, lifting up their hands to God in praise and blessing forever and ever; truly they could not cease from divine praise because they were so inebriated with divine love. And blessed was he who could do the most good works and could best praise God. There was no anger in them, no disturbance, no discord, no rancor."¹⁰⁶ The capacity of enemies to become friends, even if it was only for a short time, must have made a deep impression on the young Salimbene as he approached the *bivium Pythagorice*.

The year 1236 represents a new phase of the chronicle. The caption above Salimbene's first entry for this year reads, "About the introduction of the Emperor to Lombardy. Would that he had never come!"¹⁰⁷ At this point, the political narrative focuses on the bitter war between Frederick II and the papacy, and the misery that it brought on the communes. This strife between imperial and church parties continued long after Frederick's death in 1250, as Manfred and Conrad continued to fight on behalf of imperial factions. Still his death presented an opportunity to the citizens of the cities to pacify their quarrels. Salimbene describes the flagellant penitential revival of 1260 in such terms. "In the year of

¹⁰⁴ For Salimbene's chronicle sources, see Scalia's discussion in Salimbene, *Cronaca*, xx–xxxI.

¹⁰⁵ Salimbene, *Cronaca*, 51; Baird, 9.

¹⁰⁶ Salimbene, *Cronaca*, 103; Baird, 48.

¹⁰⁷ Salimbene, *Cronaca*, 135; Baird, 71.

the Lord 1260, Indiction III, the flagellants arose throughout the whole world, and all men, both small and great, noble and common, went in procession, naked, whipping themselves through the cities, led by the bishops and men in religious Orders. And peace was made, and men restored their ill-gotten gains. And so many went to confess their sins that the priests scarcely had time to eat.”¹⁰⁸ With the arrival of Charles of Anjou and the consolidation of Guelf rule throughout Italy, there was a brief period of relative calm; but the opportunity to establish peace was ultimately squandered. The chronicle ends with disorder and strife following the Sicilian Vespers. Urban Guelf factions split into warring parties and prospects of peace were dim.

Such is the narrative skeleton of the chronicle. Into this skeleton, Salimbene inserts an amazing breadth of topics, lending such a diffuse character to the chronicle that it is not always easy to discern principles of structure or design. Anyone who reads Salimbene’s chronicle must wade through a dense and (sometimes) seemingly random flow of information about politics, economics, warfare, religion, law, literature, art, music, personal and family affairs of Salimbene himself, local and regional customs, gossip and scandals, humorous anecdotes, moral *exempla*, contemporary theological debates, and exegetical questions: all of this woven into a dense fabric of Biblical citations that, at times, go on for pages, leaving the reader with the sensation that he/she is reading a concordance. Adding texture to this fabric of biblical quotations are effusive citations to patristic sources, prophetic literature (especially Joachim of Fiore), proverbs, poetry (ranging from religious to goliardic), and transcriptions of official documents.¹⁰⁹ The most frequently cited sources in the chronicle (based on Scalia’s index), apart from scriptural citations and the chronicle sources upon which his political narrative is based, are St. Gregory the Great (ninety-six citations, including the *Pastoral Rule*, *Dialogues*, *Moralia*, and *Sermons*),¹¹⁰ Joachim of Fiore (sixty-five citations, including works falsely attributed to him), Jacopo da Voragine’s

¹⁰⁸ Salimbene, *Cronaca*, 703; Baird, 474.

¹⁰⁹ Salimbene, *Cronaca*, xiii.

¹¹⁰ Here, recalling Leclercq’s comments about Gregory the Great, we might add that the mendicants appear to have helped the Benedictines in the task of rediscovering and thinking anew the theology of Gregory, at least for thirteenth-century Italians. Part of this process included translating his *Dialogues*, and excerpts of the *Moralia* into Italian. See Georg Dufner, *Die dialogue Gregors des Grossen im wandel der zeiten und sprachen* (Padua, 1968), 73–118 for the translation of the *Dialogues* by the Dominican friar, Cavalca.

Golden Legend (sixty-three citations), St. Jerome (fifty-eight citations), St. Augustine (fifty-four citations), St. Bernard (forty-two citations). There are thirty-two citations to the biographies of St. Francis (twenty from St. Bonaventure and twelve from Celano, nine of which come from his second biography). These sources function like glosses on the central text, lending a commentary-like quality to the work as a whole. Salimbene uses these sources to translate St. Francis' political theology into a critique of Italian power politics.¹¹¹ It is here that Salimbene's ability to transcend his aristocratic biases is most clear, for there is no doubt that the principal culprits in the narrative are his fellow ruling elites. This is not because they are inherently more wicked; rather, it is because the higher one moves up the social and political hierarchy, the more destructive the possessive instinct becomes.

For Salimbene, as for St. Francis, the defining tension of the drama is the soul's battle against its instinct to possess. This instinct is simultaneously self-destructive and socially destructive, which is why Italian politics is a front in this battle. In the midst of his narrative of the bloody and destructive wars between Pisa and Genoa for control of the seas, Salimbene quotes Seneca, "Men would live very peacefully if the two pronouns yours and mine could be done away with."¹¹² The problem with the possessive instinct is that it lures people into the vice of 'singularity,' isolating them from community, and rendering them incapable of genuine friendship with others. This is an idea that is both thoroughly Franciscan and thoroughly Benedictine. Celano describes St. Francis in such terms: "From that time when he began to serve the common Lord of all, Francis always loved to do common things, shunning in all things singularity, which is soiled with the foulness of all vices."¹¹³ These words echo St. Bernard. "Where there is ownership [*proprietas*], there is *singularitas*, and where there is *singularitas*, there is a corner, and where there is a corner, there, no doubt, is filth or rust."¹¹⁴ Salimbene was familiar

¹¹¹ At the core of this Franciscan critique is an Augustinian humanism that shapes the chronicle's political theology. In his *Book of Prelates*, Salimbene includes a reflection on the balance of strengths and flaws in the soul. After quoting a long passage from Gregory's *Dialogues*, he concludes with the words of Augustine, "Lest they be broken in the difficulties of life as they arise, it is necessary that men be instructed about what man is." Salimbene, *Cronaca*, 225; Baird, 136. This could easily serve as the motto for the entire chronicle.

¹¹² Salimbene, *Cronaca*, 809; Baird, 544.

¹¹³ *Vita Secunda*, IX. 14, p. 19; Habig, 374.

¹¹⁴ Letter 11 in Bernard de Clairvaux, *Lettres*, ed., J. Leclercq, H. Rochais, and Ch.H. Talbot, (Sources Chrétiennes), 425 (Paris, 1997), 224.

with this term as well. One of the chapter headings in his *Book of Prelates* reads, "Solitary life [*singularitas*] should be avoided and communal life [*communitas*] cherished."¹¹⁵

Nowhere is this *singularitas* more evident than in the chronicle's arch villain, Frederick II. Salimbene repeats several times that Frederick's unrestrained desire to possess rendered him incapable of friendship. "Frederick was never able to be a good friend to anyone. . . . In fact, in the end he always slandered, confounded, or killed all his friends so that he could obtain all their possessions and treasure for himself and his sons."¹¹⁶ For Salimbene, Frederick's *singularitas* assumed demonic proportions; he was, in fact, the embodiment of demonic forces unleashed by the failure of the Italian ruling elite to restrain their own violent appetites. Within the chronicle's narrative framework, his intervention in Lombardy in 1236 infused a new pattern and energy to Italian politics. Hereafter, all war and violence, whether within cities or between cities, was but a front in Frederick's war against the Church. All combatants were members of either the Imperial party or the Church party. There is more to this than mere labels. At this point, violence and war become nearly autonomous forces beyond the ability of citizens, communal officials, or preachers to manage through peace negotiations or penitential revivals. This is the sense of helplessness expressed so passionately in Compagni's rage against his fellow Florentines, who had lost control of themselves.

Salimbene makes this point beautifully in an exemplum/parable that he tells toward the end of the chronicle. "A certain lord . . . owned a very beautiful garden filled with fruits that were a pleasure to behold and a delight to eat. But one day the gardener saw a snake there and chased it all the way to its hole with a hoe raised to give it a mortal blow. But then stopping at the entrance of its hole, the snake spoke to the gardener: 'Spare me, do not kill me. For I will not harm you by remaining in the garden. I will simply eat the fruit that falls from the tree and rots, and you will have gained a friend, for I will be your companion during your tedious hours of work.'" And so, as the story goes, the gardener and the snake became good friends until one day, when the gardener was away, the snake killed the gardener's infant son. The gardener waited for his chance to avenge the deed and finally, one day caught the snake napping and cut off its tail. "This vengeance assuaged the grief he felt for his dead son, and so a few days later he again came upon the snake and said, 'Shall

¹¹⁵ Salimbene, *Cronaca*, 164; Baird, 94.

¹¹⁶ Salimbene, *Cronaca*, 305; Baird, 192. See also *Cronaca*, 302; Baird, 190.

we make peace?’ ‘No,’ replied the snake, ‘for you will never be able to love me when you recall the death of your son, nor can I love you while I see my tail so distorted from the blow you struck. Let us each do what he must as he sees best for his own benefit.’” Salimbene concludes, “This is a perfect exemplum for the Emperor Frederick who sowed the seeds of dissension and factions and curses throughout Italy, which last to this very day and cannot be resolved, because of man’s innate wickedness and the evil wrought by the devil . . . who ‘oversowed cockle among the wheat and went his way.’”¹¹⁷

Because the Italian ruling elite allowed Frederick, the demonic sower of discord to sow dissension among them, God judged them by allowing them to fall prey to their own violent instincts. In his narrative of warfare and strife between church and imperial parties in Tuscany in the immediate aftermath of Frederick’s death, Salimbene writes, “In Florence, the Guefts ruled for the Church; the Ghibellines for the empire; and the names of these two parties became synonymous for the Church and Imperial factions throughout Tuscany, and they still are. But both parties have drunk from the cup of the wrath of God even to the dregs. And those who have the upper hand cannot boast that they have escaped the sword of divine indignation and vengeance, if they have brought about factions and divisions in the cities, they are at the same time ‘divided by the wrath of his countenance’”¹¹⁸ He goes on to cite the sixth chapter of Jeremiah, “Behold I will bring evils upon this people, the fruits of their own thoughts . . .” In other words, God’s judgment is to let the Italian ruling elite taste the fruits of their own actions. “How true these things were, these eyes of mine have seen, and a great multitude of other people have too, but especially those who experienced them on their own bodies.”¹¹⁹

How does one escape the demonic fruit of one’s own *singularitas*? The way forward is the way back. Immediately following his reflections on God’s judgment Salimbene includes a series of reflections on the remedy—*contemptus mundi*. He begins by inserting a long anonymous poem, sometimes attributed to Bernard of Morlaix. “Worldly prosperity and life’s brevity deceive many men,/ In the very midst of life suddenly they are cut off by death . . ./ Whoever embraces the delights and riches of this world/ Becomes ultimately a pauper, cut down by fortune’s sword or death’s . . ./ All things transitory are nothing; they have an inherent

¹¹⁷ Salimbene, *Cronaca*, 888; Baird, 596.

¹¹⁸ Salimbene, *Cronaca*, 574; Baird, 381.

¹¹⁹ *Ibid.*

flaw,/ And the man who delights in them is by very nature sinful.”¹²⁰ He develops these reflections further with a series of quotations from Gregory, Jerome, and Augustine. “St. Gregory spoke on this subject at the end of the third book of the *Dialogues* in this manner: ‘We should despise this world even when it treats us well and even when it caresses us with prosperity. For afterward it always afflicts us with so many scourges, wearies us with such great adversity ...—what else is all of this save a crying out to us not to love it?’” “What Jerome says pertains to this subject: ... ‘*Let us return to ourselves* [emphasis mine], therefore, and view our own extreme brevity of life. Are you yourself, I ask, aware of the changes in your own life: of being a child, a boy, a young man, an adult, an old man? Daily, we are dying, daily changing. And yet we believe ourselves to be eternal.’ And then Augustine: ‘Why do you wander through the many? Love one good in which all goods are contained, and it suffices. Desire a single good which is every good, and that is enough.’ ‘O wretched flesh, you must embrace that life where there is life without death, youth without age, light without darkness, joy without sadness, *peace without discord, desire without injury, a kingdom without change* [emphasis mine]. You must seek these seven.’”¹²¹

No reference to St. Francis in these passages; yet these reflections are Franciscan to the core. We need only recall Francis’ advice to secular rulers, “Consider and realize that the day of death is approaching.”¹²² It is significant that this string of quotations culminates in the Christian Platonism and humanism of St. Augustine. Where does *contemptus mundi* lead? It leads one to return to that Good which all things share in common. Only in this common good is there peace without discord, desire without injury. It is equally significant to note where *contemptus mundi* does not lead. The things in the world are not evil. They are goods contained in a higher Good. The ‘world’ that one ought to hold in contempt is the system of human relations bewitched by the words ‘mine’ and ‘thine.’ Thus St. Francis can reverence nature but hold the ‘world’ in contempt.

¹²⁰ Salimbene, *Cronaca*, 577; Baird, 383; See Giles Constable, “The Popularity of Twelfth-Century Spiritual Writers in the Late Middle Ages,” in *Renaissance Studies in Honor of Hans Baron*, eds., Anthony Molho and John A. Tedeschi (Dekalb, 1971), 11–12.

¹²¹ Salimbene, *Cronaca*, 578–579; Baird, 384.

¹²² *Epistola ad populum rectorem*, 2, in *Écrits*, 260; Habig, 116. Celano tells us that when Otto IV passed by Rivo Torto, on his way to be crowned emperor, St. Francis would not even go out to see him. But one of Francis’ disciples stood along the road shouting to the emperor that his glory would last but a short time. *Vita Prima*, XVI. 43, pp. 47–48; Habig, 264–265.

For Salimbene, as for St. Francis, *contemptus mundi* was a penitential attitude that required a regimen of pastoral care to bear the fruit of peace. Pastoral care fostered *contemptus mundi* by leading laypersons through a regimen of preaching, confession and penance, and the Eucharist. Salimbene uses an *exemplum* that he, no doubt, used many times in preaching to illustrate the power of confession. When a certain friar heard that a demon claimed ownership of him, Salimbene tells us that the friar “blushed and retraced his steps and went immediately to a priest, to whom he confessed his sins, especially those for which he had remorse of conscience. And coming back, he said to the demon, ‘Tell me wretch, what I have done to make me totally yours’ Then the demon answered, ‘I knew a little while ago, but now I cannot remember.’” For Salimbene, confession was a way of reclaiming control of oneself and the demonic fruits of one’s actions. It was for this reason that confession and penance were so often associated with peacemaking, healing social and factional divisions, and charity.¹²³ Likewise, the Eucharist was a symbol of community. In another *exemplum*, Salimbene tells of a demon who charged a friar with idolatry for worshipping the Eucharist. The demon asked him, “Tell me where the *corpus Domini* is named in the Creed.” The brother responded, “The communion of saints.” The devil blushed and went away in confusion.¹²⁴ As we have seen, St. Francis saw in the Eucharist the sign *par excellence* of the humility upon which community could be built. Moreover, the Eucharist reminds the partaker that beneath the surface of the many goods of the physical world, there is a more substantial spiritual unity.¹²⁵

All of this lends a truly distinctive feature to Salimbene’s chronicle. This comes through in an intriguing fashion in Salimbene’s story about Albert, the saintly wine porter. In 1279, as Guelf dominance began to weaken throughout Italy, the Parmese laity and clergy began to venerate Albert, a local wine porter, as a saint. Salimbene notes contemptuously that Albert was a *vini portator simul et potator*, and *peccator* (both a car-

¹²³ See, for example, his account of preaching after an eclipse in Lucca in 1239. Salimbene, *Cronaca*, 253; Baird, 156. His description of the flagellant movement provides another good example. Salimbene, *Cronaca*, 703. Baird, 474.

¹²⁴ Salimbene, *Cronaca*, 852–853; Baird, 574.

¹²⁵ For example, Salimbene’s reflections on the blindness of the Cremonese and the partisans of the imperial party led him through a series of associations culminating in the blindness of those who fail to see that when the priest performs the Eucharist, [quoting Gregory’s *Dialogues*] “that a chorus of angels is present at the mystery of Jesus Christ, that the depths are joined to the heights, that heaven and earth are joined, that invisible things are made visible.” Salimbene, *Cronaca*, 515; Baird, 337.

rier and drinker of wine, and a sinner). After his death, his cult spread to Reggio and Cremona as people throughout the region reported miracles. Citizens organized processions and priests incorporated his cult into the liturgy. When Franciscans and Dominicans challenged his cult, Salimbene tells us that the people responded angrily, "You think that nobody can work miracles but your own saints, but you are clearly deceived, as has been made clear through Albert."¹²⁶ Concerning the charge of mendicant prejudice against local saints, they were right, and Salimbene acknowledges this. After noting examples of other cities that had been misled in their desire to promote local saints ("the Paduans through Antonio Peregrino and the Ferrarese through Armanno Punzilovo"), Salimbene writes, "Truly the Lord came not only in his own person, but in the blessed Francis, the blessed Anthony, St. Dominic, and their sons. And sinners should believe in them in order to merit salvation."¹²⁷ A partisan wrangling over saints? Perhaps, but there is something more. In his search to explain the enthusiasm among the Parmese laity and clergy for promoting Albert's cult, he writes, "... the exiled of the Imperial party hoped to arrive at a peace settlement with their fellow citizens, through which they might be brought in to regain their small possessions, and so that they would not have to travel through the world as vagabonds."¹²⁸ However justified his suspicions may have been in this particular case, he knew all too well how quickly a community's clergy and laity could create a saint to sanctify their political and economic interests (i.e., their possessive instincts). For him, local saints would always be suspect as sanctifications of *singularitas*. True saints and true community must transcend the singularity of local interests.

Mendicants as Inside-Outsiders

There are two ways of looking at the relation between the mendicants and communes, both of which are true. Luigi Pellegrini and others have carefully examined the settlement of mendicants in and around the Italian cities. Augustine Thompson, drawing upon a rich body of literature on lay confraternities and penitential movements, describes the Franciscans

¹²⁶ Salimbene, *Cronaca*, 761–762; Baird, 513.

¹²⁷ Salimbene, *Cronaca*, 763; Baird, 514.

¹²⁸ Salimbene, *Cronaca*, 764; Baird, 514.

as “the most successful offshoots” of lay penitent movements.¹²⁹ They came to the cities, and yet they were from the cities. There is something of a feedback loop at work. For this reason I have described St. Francis as a prophetic figure from and for the troubled politics of the communes. He was a product of a process by which civic culture generated its own ideals and struggled to assimilate them into norms to guide communal life. Salimbene, a member of the ruling class who converted to the friars minor, quite naturally wrestled with the implications of St. Francis’ spirituality for his fellow ruling elites. He came to them with a set of ideals by which to critique their exercise of power, yet he too was from them.

In a previous study of the Orvietan bishopric I argued that the ruling elite of the communes learned to measure their exercise of power against ecclesiastical ideals—with varying degrees of enthusiasm—in part, because of the role of Italian bishoprics in early communal formation.¹³⁰ Canon law and evangelical ideals became deeply embedded in communal culture, part of the rules of the game, so to speak, because ruling elites sought to leverage their power through ecclesiastical offices and wealth, both of which came with rules and ideals attached to them. These rules and ideals may have been honored more in the breach, but they were experienced as obligations and constraints nonetheless. This helps explain, for example, why groups within the commune, especially the ruling elite, felt the need to create political theologies.

To recognize that ecclesiastical norms were embedded in communal culture is not to say that most citizens of the communes were striving for sainthood, but it does help explain why a few of them, like St. Francis, did. In a wonderful article about the relation between church and laity in the Middle Ages, Norman Tanner writes that there “was a broad spectrum of responses to the medieval church, from the extravagant, intense and devout on the one end, to the distracted, apathetic, dismissive or hostile on the other.”¹³¹ Much the same could be said for responses to evangelical ideals embedded in communal culture. On the one end, there were minimalists, merely playing by the rules in a self-aggrandizing fashion.

¹²⁹ Thompson, *Cities of God*, 100.

¹³⁰ Foote, *Lordship*, 1–7, 187–192. Thompson’s *Cities of God* provides a more global description of this process, carefully examining the many avenues through which the average layperson could assimilate ecclesiastical ideals, both within and beyond the political arena.

¹³¹ Norman Tanner and Sethina Watson, “Least of the Laity: The Minimum Requirements for a Medieval Christian,” *Journal of Medieval History* 32:4 (2006), 409.

On the other end were a few people like St. Francis, whose life exemplified in a dramatic fashion the understanding of the human condition underlying ecclesiastical ideals, and the potential of these ideals for creating community. Because these ideals called for a heroic struggle against one's instinct to control and possess, the vast majority of citizens, and the political theologies that they created and held, existed in a continuum at varying distances from the ideal. Movement along the continuum depended on a variety of factors, not the least of which was political and social conflict.

This leads to the question of chronological horizons. Typically the mendicants are examined within the context of the defining political, economic, and social transformations of the twelfth and thirteenth centuries, such as the commercial revolution, urbanization, and state building. Because these developments often created social and political environments in which power was deeply contested—and there were few places where power was more deeply and violently contested than the communes—such developments go a long way toward explaining why so many people, like St. Francis and Salimbene, reflected so deeply on ideals that ought to guide the exercise of power. There is, however, another chronological horizon that is too easily forgotten: the *longue durée* of religion, without which one is helpless to account for the remarkable continuity between the story of the mendicants and communes, on the one hand, and the larger story of medieval religion and society, on the other. Salimbene's extensive citations of patristic sources, especially the writings of St. Gregory, serve to remind us that the drama and intensity of St. Francis' life should not be mistaken for novelty.

Concerning Gregory's vision of the unity and continuity of all reality, Carole Straw writes, "here Gregory anticipates the physicality so characteristic of the later Middle Ages in figures as diverse as Anselm and St. Francis."¹³² In describing the relation between Gregory and Francis, we can go further than "anticipates." Gregory was in Francis' cultural DNA. There are few medieval authors whose works were more widely disseminated than those of Gregory. As one glances at Manitius' chapter on Gregory the Great, one cannot help but be impressed by the number of monastic libraries in which his works are found.¹³³ Medieval writers were fascinated with Gregory because they found in his writings "an

¹³² Carole Straw, *Gregory the Great*, 12.

¹³³ Max Manitius, *Geschichte der lateinischen Literatur des Mittelalters*, 3 vols. (Munich, 1959) 1:97–106. Charlemagne legislated that priests should own a homiliary or a copy of

encyclopedia of spiritual experience,” to use the words of Carole Straw.¹³⁴ He represents the culmination of a process of centuries of distillation whereby the Greek and Latin Fathers assimilated the incomparably rich philosophical-religious speculation and spirituality of Eurasia—what we know as Hellenism. For medieval writers, he offered a doorway back into the world of Hellenistic speculation, a way to rediscover its richness, without losing coherence. Over the course of six centuries, Gregory’s thoughts about the human condition, as well as his ecclesiology and social-political theology were released into the bloodstream of European culture in much the same way as Italian bishoprics infused ecclesiastical ideals into communal culture—that is, as part of the rules and ideals attached to ecclesiastical offices and resources with which kings, dukes, counts, and castle lords leveraged their power. Indeed, the role of bishoprics in communal formation was simply a particular case of this broader phenomenon that had been going on since late antiquity, a phenomenon that we could justifiably call “the conversion of the barbarians,” if we are willing to abandon the overly narrow way in which the term “conversion” is typically used. In any case, I think it is reasonable to ascribe to the mendicants, in their relation to the communes, the task that Leclercq ascribed to the Benedictines—to rediscover Gregory and to think him anew.

Gregory Great’s *Homilies on the Gospels*. Thomas L. Amos, “Monks and Pastoral Care in the Early Middle Ages,” in *Religion, Culture, and Society in the Early Middle Ages: Studies in Honor of Richard E. Sullivan*, eds., Thomas F.X. Noble and John J. Contreni (Kalamazoo, 1987), 174. Bishop Ranerio of Orvieto recalled a copy of the *Moralia* housed in the episcopal archive of Orvieto. Foote, *Lordship*, 171.

¹³⁴ Straw, *Gregory the Great*, 16.

SECTION III

THE RECEPTION AND APPROPRIATION OF MENDICANCY IN THE MIDDLE AGES

CHAPTER EIGHT

MENDICANT ORDERS AND THE REALITY OF ECONOMIC LIFE IN ITALY IN THE MIDDLE AGES

ANTONIO RIGON

1. *Two Historiographies*

The study of the economic aspect of the history of the mendicant orders has traditionally taken two directions which have rarely converged: the first examines the mendicants' line of thought in questions of economics, the second places focus on the economies of the convents and the concrete relations that these religious communities held with local societies in matters of economics.

Highlighting the existence of these two courses of study may seem obvious, for this is the normal orientation research takes in examining the history of ideas and the history of events. From this point of view, further observation may equally be taken for granted, namely that there is no necessary connection between the two areas of study, and that it would be vain to think of the theory as mechanically mirrored in practice. In the case of the mendicant orders, it is worth noting that they reflected upon questions of economics more than almost anyone during the Middle Ages. Their reflections on these matters were triggered not so much by purely speculative motives, but from concrete needs closely tied to the life and activity of the brethren and to their actions in the world. On one hand, there was a distinct need to reconcile the choice of poverty with the necessities of living, and therefore to arrange a set of norms for the mendicant communities. These norms disciplined their behaviour in the direction of possible adjustment of their ideals to the reality in which they lived. On the other hand, the pastoral vocation of the brethren, particularly active in preaching and confession, made urgent the reflection upon the features and the nature of voluntary poverty together with its theological and juridical implications. At the same time, this vocation encouraged the elaboration of proposals able to ethically solve problems raised by economic development, both at an individual and social level.

This kind of concrete demand was answered, for example, by the *De emptionibus et venditionibus, de usuris, de restitutionibus*, a treatise concerning contracts by the Franciscan Peter John Olivi. It is rightly considered the most advanced work of scholastic thought of the thirteenth century on matters of economic ethics.¹ However, other works were written with similar intentions. These works, at once practical, apologetic and polemical, were written mostly by authors belonging to the two major mendicant orders, namely the Minor brethren and the Preachers.²

At the normative level, one can hardly fail to observe that the concrete situations seem to precede juridical arrangements at times in a rather precise manner. For example, in Lucca, on 10 July 1228, an inhabitant of the city donated a garden to Pope Gregory IX and the Roman Church, making these, respectively, *dominus* and *domina* of real-estate goods, which moreover were intended *ad opus fratrum Minorum*. Then, in Prato on 24 July of the same year, the municipality acquired grounds *ad usum et usumfructum perpetuum fratrum Minorum*,³ a series of terms, concepts and solutions were anticipated which only subsequently were adopted in the papal bull of the 20th September 1230, *Quo elongati*.⁴ They were subsequently part of the theoretical reflections of the Minor brethren as well as being accounted for in their way of life.⁵

This being said, there can be no doubt that combining the history of economic ideas with the history of events remains a difficult task for the Middle Ages. For all the quantity and quality of research, the two areas remain far apart. Only recently has the economy of the mendicant orders

¹ G. Todeschini, *Un trattato di economia politica francescana: il "De emptionibus et venditionibus, de usuris, de restitutionibus" di Pietro di Giovanni Olivi*, Rome (Studi Storici, 125–126); for comments on the work referred to here, See N. Beriou, *Le vocabulaire de la vie économique dans les textes pastoraux des frères mendiants au XIII^e siècle*, in *Leconomia dei conventi dei frati Minori e Predicatori fino alla metà del Trecento*. Atti del XXXI Convegno internazionale (Assisi, 9–11 October 2003) (Spoleto, 2004), p. 165.

² See on this matter, O. Langholm, *Economics in the Medieval Schools. Wealth, Exchange, Value, Money and Usury According to the Paris Theological Tradition (1200–1350)*, Studien und Texte zur geistesgeschichte des Mittelalters 29, (Leiden, 1992).

³ The documents are cited from R. Lambertini, "*Pecunia*", "*possessio*", "*proprietas*" *alle origini di Minori e Predicatori: osservazioni sul filo della terminologia*, in *Leconomia dei conventi*, cit., p. 37 and n. 101.

⁴ H. Grundmann, "Die Bulle "Quo elongati" Papst Gregors IX," *Archivum franciscanum historicum* 54 (1961), pp. 3–25.

⁵ See. Lambertini, "*Pecunia*", "*possessio*", "*proprietas*", pp. 36–38.

attracted the attention of researchers,⁶ whilst the study of economic theory in the Middle Ages and on the contributions made to it by authors belonging to those orders in scholastic circles are numerous and make up an important current in historiography.⁷ To greatly simplify matters, we can say that historiography has been divided into two camps. On one side there are those who, to various degrees, have seen in scholastic philosophy—despite scruples and diffidence concerning profit—the distant foundations of modern economic science and the basis for an economic ethics capable of making the use of credit socially acceptable, with the subsequent development of a middle-class of active and rational traders. On the other side, there are those who have emphasized the estrangement of the scholastic doctrine from the rationale of accumulation, denying medieval scholastic thought any form of usefulness for economic sciences and any precursory function for modern economic theories.⁸ Since the 1960s and 1970s, a further direction in the historiography has developed, going somewhat beyond this framework which, rather than accentuating real or presumed precursory signs of modern science in medieval thought on economic facts, has analysed the emergence and the formation within medieval texts of a terminology and a language describing and defining economic facts which has been transmitted to subsequent times.⁹

⁶ In particular, note the international project instigated by Nicole Beriou and Jacques Chiffolleau at the University of Lyon relating to “The economy of the Mendicants and urban societies at the end of the Middle Ages: laymen and brethren in the transmission of property and the administration of the convents”; the results are collected in *Dans Economie et religion. L'expérience des Mendiants (XIII^e–XV^e siècle)* sous la direction de N. Beriou et J. Chiffolleau, Collection d'histoire et d'archéologie médiévales 21 (Lyon, 2009). I wish to thank Jacques Chiffolleau for enabling me to read in advance his “Conclusion;” the Acts of the XXXI international conference at Assisi organised by the International Society of Franciscan Studies and by the inter-university Centre of Franciscan Studies, collected in *L'economia dei conventi*, cited above in n. 1 are equally of particular importance.

⁷ A vast bibliography has been assembled in Langholm, *Economics in the Medieval Schools*, pp. 597–620; for a critically engaged discussion of this tradition of studies, See G. Todeschini, *Il prezzo della salvezza. Lessici medievali del pensiero economico* (Rome, 1994).

⁸ Todeschini's book quoted in the preceding note presents a detailed picture of the different theories with references to a long list of scholars: from Schumpeter to De Roover, to Noonan and to Gilchrist, from Bec to Kirshner up to Le Goff, Capitani, Langholm and many others who have tackled these issues.

⁹ The most qualified representative of this tendency is Giacomo Todeschini, in addition to his *Il prezzo della salvezza*, see also his *I mercanti e il tempio. La società cristiana e il circolo virtuoso della ricchezza fra medioevo ed età moderna* (Bologna, 2002).

Whichever position one takes, the thirteenth century appears decisive in the eyes of modern scholars. It was a time in which the ideals of evangelical poverty of the religious movements and of new mendicant orders encountered the world of town economies and, paradoxically, when the former proposed to renounce money in the midst of a society rediscovering the worth of exchange, commerce and currency. The renunciation of property and of power, together with the necessities of survival, inevitably involved certain economic choices for the mendicants. These were not grounded on income, rights, property or revenue, nor connected with the possession of land, but rather based on charity, beggary and testamentary bequests, the selling of goods and putting them into circulation for immediate consumption. This was a new means of getting hold of and making use of resources, in line with the more mobile and dynamic town economy. Far more than property and rights of possession, the human relations and the social network that acted as a point-of-reference for the brethren were considered of higher value.

Leaving aside the fragmentary and random state of research, it is these very topics which historians have begun to more systematically consider. They examine the significance and the influence which the presence of the mendicants made in the economies of local communities in the late Middle-Ages.¹⁰ However, there is still little research being done, made difficult by the fact that, with the some rare exceptions relating exclusively to the Order of the Servants of Mary¹¹ (whose assimilation into the mendicant orders was not without problems), there is a lack of proper, authentic documentation from the mendicant orders until the mid-fourteenth century. That is to say we lack a continuous and systematic annotation of the relevant events in appropriate registers.¹² Naturally, economic activity existed. However, it is often hard to pinpoint its true nature because of the tendency, especially common with the Minor brethren, to have recourse to legal fictions, mimicking stages of transmission of money and goods, in order to escape the restrictions imposed on them by the Order's

¹⁰ For an up-to-date schema of the issues, see J. Chiffolleau, "Conclusions. Les convents, l'échange, la religion," in *L'economia dei conventi*, pp. 403–448.

¹¹ See for this point, the mention of in A. Bartoli Langeli—G.P. Bustreo, "I documenti di contenuto economico negli archivi conventuali dei Minori e dei Predicatori nel XIII e XIV secolo," presentata al convegno su *L'economia dei conventi*, pp. 121–122; as for the juridical configuration of the Order which is mentioned here below, see the text corresponding to note 26.

¹² *Ibid.*, pp. 121–126.

choice of poverty.¹³ Registration was entrusted to notary deeds, written on individual parchments which were preserved in local sacristies with no systematic order nor apparent awareness that these could possibly be characterized autonomously as economic documents distinguishable from other documents reporting different concerns.¹⁴

2. Questions about Sources

Problems concerning sources also arise in the pursuit of the other line of research. The texts which are useful for a history of ideas of the mendicants on economic phenomena are of a variety of multiform types: theological, juridical, homiletic, mystic, penitentiary, didactic, hagiographic. They are far from being identified as pertaining to economics, and thus also conceal dangers of methodological and interpretative exaggerations. One risk, in this regard, consists in artificially aligning a series of heterogeneous sources (e.g. the Church Fathers, the councils, works of canonical law, scholastic texts, mendicant treatises) in order to describe presumed, linear, developmental processes of medieval economic thinking, with no points of division or discontinuity.¹⁵ An additional danger is found in taking concepts and categories which belong to modern analysis of economics and projecting them onto the past.¹⁶ Also problematic is presenting the economic theories of the Scholastics as compact and

¹³ See. A. Rigon, "Conflitti tra comuni e Ordini mendicanti sulle realtà economiche, in *L'economia dei conventi*," pp. 353–355.

¹⁴ Bartoli Langeli-Bustreo, "I documenti di contenuto economico," pp. 122, 126–133.

¹⁵ For this and other problems raised by the sources for the history of medieval economic thought, see: Todeschini, *Il prezzo della salvezza*, pp. 29–35, 79, 96–99.

¹⁶ This is a critical remark made for instance by Chiffolleau, "Conclusions, Les convents, l'échange, la religion," p. 406, note 1, to the otherwise fundamental work by Langholm, *Economics in the Medieval Schools*; See also Todeschini, *Il prezzo della salvezza*, p. 98. Still more drastic are the remarks which Chiffolleau makes in the "Conclusion" of *Dans l'économie et la religion*, pp. 752–753, concerning certain directions of research developed some twenty years ago, especially in the USA, in which the Middle-Ages are referred to, whilst discarding a concrete and attentive examination of the sources, and having recourse to concepts and instruments of modern-day economics. Chiffolleau acknowledges the stimulating nature of some of the issues thus raised, but rightly criticises the ideological and not historical basis of the works constructed in this way, citing amongst others, R.B. Ekelund Jr., R.F. Hébert, R.D. Tollison, *The Marketplace of Christianity* (Cambridge-Massachusetts-London, 2000), and R. Stark, *For the Glory of God. How Monotheism led to Reformation, Science, Witch-Hunts and the End of Slavery* (Princeton, 2003); Id. *The Victory of Reason: How Christianity Led to Freedom, Capitalism and Western Success* (London, 2005).

unified systems of thought without giving enough attention, for example, to the differences between Thomistic and Franciscan economic ethics.¹⁷

There are also differences in the documentary behaviour with regards to the relevant sources for the economic history of the convents. Though it is true that throughout the thirteenth century and for a great part of the fourteenth, both the Minor brethren and the Preachers, as all other mendicant orders, had recourse to notary deeds in order to attest their *negotia*, it must also be said that their different ways of referring to property, money, economic data and to their own documentation gave rise to differences in the production and preservation of the documents. The Franciscans displayed less interest in this matter and thus we find a reduced degree of organizational systematization in their archives.¹⁸ A similar element characterizes the convents of the Poor Clares which, like the feminine branches of the other mendicant orders, followed more traditional paths in the organisation of property and its related archival system.¹⁹ From the mid-fourteenth century, with a more pressing need being felt to preserve records of facts concerning property and money, a change of strategy in the production and preservation of documents begins to emerge in the mendicant orders, albeit at different rhythms. Registers specifically reserved for this purpose made their appearance; books were kept of incoming revenue and outgoing expenditures—a proper economic documentation collected in “parchment codices of high-quality and large format, in conformity with contemporary documents modelled on public, monastic and ecclesiastical documents.”²⁰ This was not only a sign of the development of a new awareness in archival matters but also of a new economic situation and a changed attitude towards it. Despite this commonality, the differences between the orders—rooted heavily within their different origins and their different histories—continued to persist.

¹⁷ On the different attitude taken towards the problem of usury, see the remarks of O. Capitani, “Sulla questione dell’usura nel medioevo,” in *Letterica economica medievale*, ed. O. Capitani, (Bologna, 1974), pp. 30–31, who, taking up and commenting on a claim made by J.T. Noonan, *The Scholastic Analysis of Usury* (Cambridge, MA, 1957), p. 48, also underlines the differences between theologians and canonists in their way of tackling the arguments.

¹⁸ See: Bartoli Langeli-Bustreo, “I documenti di contenuto economico,” pp. 136, 147–148.

¹⁹ *Ibid.*, pp. 131–132.

²⁰ *Ibid.*, p. 129 and pp. 133–146 for the further developments between the 14th and 15th centuries.

3. *Ordines Paupertatis*

The new orders shared poverty and mendicancy in common: the first was considered as a choice and condition of life, the second, as a consequence and means for putting into practice that choice. It is understandable that, at the end of a process of gradual assimilation,²¹ the documentary sources often define these orders as one group, as *ordines paupertatis*, placing the expression within an economic context.²² However, their identity as mendicants, based on total abandonment of any form of property, either individual or common, and on the dependence on exterior means for survival, was forged with difficulty. Poverty and mendicancy did not have the same original weight for each respective order. For the Franciscans, poverty and mendicancy constituted the fundamental elements of their *raison d'être*. For the Dominicans, they became so when, after having renounced in 1216 their *possessiones* even though they did retain a fixed income. In the general chapter of 1220, they even renounced their *redditus*.²³ At the instigation of a higher-order authority, the Order of the Hermits of Saint Augustine, born from the union of various eremitical experiences, left a large margin of ambiguity in its definition of poverty.²⁴ As for the Carmelite Order, of both eremitical and contemplative origin, the uncertainty of mendicancy was imposed

²¹ To which A. Benvenuti, "Ordini mendicanti in Toscana (secc. XIII–XV): un problema aperto, in Gli Ordini mendicanti a Pistoia (secc. XIII–XV)" in Atti del Convegno di studi (Pistoia, 12–13 maggio 2000), a cura di R. Nelli, Biblioteca storica pistoiese 7 (Pistoia, 2001), pp. 1–29, has rightly re-drawn attention, in recognizing in this process the roots of projects for unification of different religious experiences in the central decades of the 13th century, as well as one of the motives which lead to reduce *religiones novae* of mendicant inspiration in the Second Council of Lyon (1274).

²² See the Archivio Capitolare of Padua, Cod. E 61, *Tomus Niger*, ff. 82^v–83^v: the testament of the late Salione of Duce Buzacarini of the 12th February 1360 which reports the bequest of 10 lire *per annum* made by a member of the family "singulis conventibus fratrum Ordinis paupertatis", i.e. Preachers, Minorites, Hermites, Carmelites; Ibid., *Pergamene*, t. XVIII, *Testamenta*, I, perg. 77: testament of Costanza, of the late Giovanni Barone, doctor, of the 12th March 1379, who bequeaths "quatuor ordinibus fratrum paupertatum de Padua, videlicet fratribus Minoribus, Predicatoribus, Heremitanis et Sancte Marie de Monte Carmelo" four ducats of gold to each for mass and orations.

²³ See. Lambertini, "*Pecunia, possessio, proprietas*", p. 24.

²⁴ Whilst the pontifical document of unification of 1256 had made provision for the *spontanea et perpetua possessionum terrestrium abdicatio*, the general chapter of 1257, confirmed by Cardinal Riccardo degli Annibaldi and subsequently by Pope Alexander IV, consented that the brethren might have the right of preserving possessions so as not to go roaming in search of necessary sustenance (C. Caby, "Il costo dell'inurbamento. Monaci e frati a confronto," in *L'economia dei conventi*, pp. 307–308).

on it by the Pope, thereby modifying the course of its original inspiration. With successive adjustments to the rule, the order was set on a difficult and contrasting balance with its contemplative tendency.²⁵ In 1251, the Servants of Mary, a group of penitential origin which was subsequently constituted into regular Augustinian communities, spontaneously chose a regime of collective poverty, legally organizing themselves as mendicants—only to be forced to attenuate their own choice of poverty after the introduction of the restrictive measures taken at the Council of Lyon (1274).²⁶ The Council, faced with the disorderly growth of religious mendicancy, set a limit on the number of mendicant orders²⁷ while also acknowledging the pressure put by secular clergy to do so—this highlighted the harsh doctrinal dispute that the orders had with secular clergy in the middle decades of the thirteenth century.²⁸ The problem did not only concern poverty, but also the disorderly system of exemptions from which the mendicants were benefiting.²⁹ For once mendicancy had become a privilege which enabled access to the free practicing of beggary, it ended up raising lively protests, especially when the mendicant orders began a process of drifting into towns both for pastoral reasons as well as to take the greatest advantage of the economic resources offered by the city. They thus began to compete with one another, whilst also jeopardizing the interests of secular clergy who saw their own rights pertaining to the care of the souls—and the proceeds

²⁵ For the beginnings and first developments of the order, see the entry “Carmelitani, Ordo fratrum B. Mariae Virginis de Monte Carmelo,” in the *Dizionario degli Istituti di perfezione*, II, Rome, 1975: the part depicting the general history is by L. Saggi, whilst the part referring to the spirituality of the order is by O. Steggink; for this reason, the parts of interest here are cols. 460–462 and 476–479.

²⁶ See the monumental works of F.A. Dal Pino, *I frati servi di S. Maria dalle origini all'approvazione (1233ca – 1304)*, I–III, Louvain 1972 (Recueil de travaux d'histoire et de philologie, 49–50), in particular see vol. I, t. 2nd, pp. 759–1330.

²⁷ R.W. Emery, “The Second Council of Lyon and the Mendicant Orders,” *Catholic Historical Review* 39 (1953/54), pp. 257–271.

²⁸ About which, in addition to the classic work by Y. Congar, “Aspects ecclésiologiques dans la querelle entre Mendicants et séculiers dans la seconde moitié du XIII^e siècle et le début du XIV^e,” *Archives d'histoire doctrinale et littéraire du Moyen Âge* 36 (1961), pp. 35–151, and the book by D.L. Douie, *The Conflict Between the Seculars and the Mendicants at the University of Paris in the Thirteenth Century* (London, 1954), see also R. Lambertini, *Apologia e crescita dell'identità francescana (1255–1279)*, Nuovi studi storici 4, (Rome, 1990).

²⁹ See Benvenuti, “Ordini mendicanti in Toscana,” pp. 14–15, and on the mendicants' privileges, H. Lippens, “Le droit nouveau des Mendicants en conflit avec le droit coutumier du clergé séculier. Du Concile de Vienne à celui de Trente,” in *Archivum Franciscanum Historicum* 47 (1954), pp. 241–292.

linked to it—begin to be disputed.³⁰ Though it generated controversy, in actual fact the urbanization of the Orders was also a powerful element in their transformation. “Facti sunt ex heremitis urbaniste” remarked Robert Holcot, an English Dominican of the first half of the fourteenth century, speaking of eremitical groups which, merging into a single order after the *magna unio* of 1256, had taken on the rule of Saint Augustine, which was, in itself, not adapted to eremitical life.³¹ The answers to such objections, if they made place for reasons of pastoral nature and sociological motivations, also gave rise to economic justifications in the choice for urbanization. The lack of resources in secluded places had driven the brethren to the cities in order to find the necessities for living. Those in possession of goods could afford to stay out of the cities. For the solitary, for whom a little was enough, profuse charity was unneeded. But for those who had nothing, they were obliged to ask others for their means of sustenance. In inhabited centres, *ubi abundant victualia*, a greater number of brethren could gather and be better sustained.³²

³⁰ L. Pellegrini, “Ordini mendicanti e parroci: coesistenze e conflitti, in *Francescanesimo e vita religiosa dei laici nel ‘200’ Atti dell’VIII Convegno internazionale (Assisi, 16–18 ottobre 1980)*, (Assisi, 1981), pp. 129–167, and also see A. Rigon, “Fratelli Minori e società locali,” in *Francesco d’Assisi e il primo secolo di storia francescana* (Turin, 1997), pp. 275–276.

³¹ *Cit.* in J. Le Goff, “Ordres mendiants et urbanisation dans la France médiévale. État de l’enquête,” in *Annales. Économies, sociétés, civilisations* 25 (1970), p. 926.

³² On this point, it is illuminating to read the *Determinationes quaestionum super regulam fratrum Minorum* which go back to the period of St. Bonaventura and published in *Doctoris seraphici S. Bonaventurae S.R.E. episcopi et cardinalis Opera omnia*, VIII, (Ad Claras Aquas, 1898); see, with reference to our present concern, p. I, q. V, pp. 340^b–341: “Secunda causa est propter indigentiam victualium, quia in locis desertis non inveniremus, quoties pro supervenientibus vel infirmis indigeremus, qui nobis necessaria vitae ministrarent, cum per nos non habeamus,” p. I, q. I, p. 341^a: “Qui autem habent possessiones et praedia sibimet sufficiunt et ideo possunt extra civitates morari; similiter et solitarii, qui paucis indigent, pauca ab aliis requirere necesse habent,” p. II, q. XIX, p. 370^b: “In oppidis autem seu villis, ubi abundant victualia, plures possunt confluere et melius sustentari, et inter plures maior fructus speratur; et a quibus ministrantur nobis plura temporalia in elemosynis, plus etiam requirunt, ut eis spiritualia rependamus.” For a commentary on the *Determinationes*, see L. Pellegrini, “L’Ordine francescano e la società cittadina in epoca bonaventuriana. Un’analisi delle “Determinationes quaestionum super regulam fratrum Minorum,” in *Laurentianum* 15 (1974), pp. 154–168. The extent to which the mendicants were aware of and concerned by the criticism they met with, is testified by a Veronese document dated from the 16th September 1262. At this date, the Hermits of the church of S. Augustine outside of the city of Verona moved into its walls into the church of Saint Euphemia near the river Adige. Since this move had been reproached by some, brother Michel, a hermit, asked, three times over, a numerous crowd of clergy and laymen, men and women, summoned on purpose, whether they were scandalized by

4. *The Choice of the Town as an Economic Choice*

Moving to town was an economic choice as well, once the renunciation of landed property made necessary a different kind of sustenance from traditional monasticism.³³ Further, it involved considerable financial investments, unless these were donated; It was necessary to have large sums of money at one's disposal in order to acquire grounds, build churches and convents, and furnish them properly. The choice of the town and the construction of convents was becoming one of the main factors of transformation in the practice of poverty at that time and, as such, also gave rise to critical reflections and doctrinal disputes.³⁴ At first, the mendicants had gone to live as precarious guests in hostels, churches and monasteries, living on charity or, in the case of the Minorites, working with their own hands.³⁵ However, from the 1230s on, the situation began to change. The construction of churches and convents in the towns triggered complex financial operations, first and foremost in real-estate.³⁶ It became necessary to sell, trade, and transfer goods. Concerns about the right price of land and of eventual damage caused to parochial structures had to be taken into account. At times, speculative moves were made with

it. Unanimously, they proclaimed out loud that they were not and that they were pleased by the arrival of the brethren at Saint Euphemia (G.B. Biancolini, *Notizie storiche delle chiese di Verona*, II, Verona 1749, pp. 507–509).

³³ Caby, "Il costo dell'inurbamento," p. 307.

³⁴ Many considerations, taken as theoretical justifications for the actual situations, can be found in the *Determinationes* quoted in the above note: see for example *Ibid.*, p. I, q. VI, p. 341^b; "Quia vero intra ambitum civitatis, ut dictum est, cariores sunt areae, quod non possemus facile sufficientiam congruae latitudinis habere, ut omnes officinae deorsum collocarentur iuxta se invicem, oportet aliquando, ut una super alteram in altum locetur, ita quod utraque aeris respirando non careat ex hoc domus nostrae magis apparent excelsae ac sumptuose et paupertatis dissimiles, cum tamen hoc paupertas magis efficiat, quia ne circa dilatetur, inferius angustamur . . . Ubi possumus facimus domos lapideas ut nec igne nec vetustate citius destruantur quia non solum corporibus sed etiam cordibus magna est destructio, nova saepius aedificia construere, maxime illis qui non habent sumptus nisi quantum valent colligere mendicitate."

³⁵ For the ways in which the mendicant orders settled, see the many works by L. Pellegrini, in particular, *Insedimenti francescani nell'Italia del Duecento* (Roma, 1984), and the more recent "Che sono queste novità". *Le religiones novae in Italia meridionale (secoli XIII e XIV)* (Naples, 2000); see also A. Rigon, "Ordini mendicanti e politica territoriale urbana dei comuni nell'Italia centro-settentrionale," in *Gli Ordini mendicanti in Val d'Elsa*, Convegno di studio (Colle Val d'Elsa—Poggibonsi—S. Gimignano, 6–8 giugno 1996), Biblioteca della "Miscellanea storica della Valdelsa" 15 (Castelfiorentino, 1999), pp. 215–231.

³⁶ For a synthetical description, see Rigon, *Fratelli minori e società locali*, pp. 259–281, in particular pp. 274–275.

the intention of preventing other orders from settling in.³⁷ With every convent spreading its roots in local life, and the increase of relations, exchanges and the accumulation of wealth, the mendicants unavoidably faced the dilemma of reconciling ideals of poverty with practical necessities and the routine procedures of the economic life of the city. These kinds of difficulties and the solutions adopted in an attempt to dissolve the contradictions, at times before the intervention of juridical norms and theoretical reflections, are fully revealed in the documentation of the various convents. The beginning of this can be found in the Sacred Convent of Assisi, the very heart of the Order of the Minor brethren.

In this case, the church of St. Francis, built upon land donated to the Pope by a private citizen, belonged to the Apostolic See.³⁸ When the Minor brethren, with great amounts of money, began the enterprise of expanding over the neighboring area, they did so not in their own name but in the name of the church given to them for their usage,³⁹ and under whose jurisdiction fell the *dominium* and the *proprietas* of the goods.⁴⁰ In Bologna, it was the Preachers who cared for the landed property through the intermediary of the female convent of St. Agnes until this legal fiction was abandoned at the end of the thirteenth century.⁴¹ It was also in

³⁷ See for all these issues Caby, "Il costo dell'inurbamento," pp. 297–337.

³⁸ On the 30th March 1228, a certain Simone di Puzarello donated *inter vivos* to brother Elia, *recipienti pro domino Gregorio papa nono*, a piece of land *in vocabulo Collis Inferni*, by the walls of the town of Assisi so that there would be built there for the use of the brethren a place, an oratory or a church, for the body of St. Francis: *Le carte duecentesche del sacro convento di Assisi. (Istrumenti, 1168–1300)*, ed. A. Bartoli Langeli, in collaboration with M.I. Bossa and L. Fumi, *Fonti e studi francescani* 5, (Padua, 1997), n° 6, pp. 10–11.

³⁹ *Le carte duecentesche*, n. 17, pp. 25–26; 26, pp. 40–41; 47, pp. 88–89; 49, pp. 91–93; 52, pp. 97–98; 53, pp. 99–100; 56, pp. 104–106; 58, pp. 107–108. It should be noted however that the terminology used by the lawyers presents oscillations and ambiguities, the confirmation of a wavering situation: on the 4th September 1232, a certain Giovanni di Tingulo received seven Luccean lire *pro opera Sancti Francisci* (n° 10, pp. 15–16); on the 27th May 1239 brother Elia is called *dominus et custos ecclesie Sancti Francisci*, whilst brother Giacomo da Bevagna appears to be *sindicus et procurator dicte ecclesie et conventus ipsius* (n° 16, pp. 22–25); on the 11th August 1259 Picardo di Angelo, nephew of St. Francis, who appears a number of times as procurator of the church, acts as an economist, procurator and statutory manager *monasterii Sancti Francisci* (n° 50–51, pp. 93–95), whilst on the 5th May 1261 he receives a donation *inter vivos*, as *sindicus* and procurator of the guard and the chapter of the church (n° 59, pp. 108–110).

⁴⁰ In this respect, a document dated 8th October 1246 is significant, the day in which, according to the *terminatio* carried out by the *mensurator* of the city, the *podesta* of Assisi delimits the borders of the piazza of the St. Francis' church whose *dominium* and *proprietas* are attributed to the same church (*Le carte duecentesche*, n° 25, pp. 38–40).

⁴¹ See: Caby, "Il costo dell'inurbamento," pp. 332–333.

Bologna that the Franciscans administered their property and benefited from its fruits through the intermediary of the nuns of St. Clare.⁴² In Florence, the Dominicans of Santa Maria Novella, from 1221 to 1304 entrusted the care of their property to the Penitentiary brethren,⁴³ who were called on to carry out the same task of representing the material interests of the brethren in other cities as well.⁴⁴

It would be easy to continue giving examples. However, it would be more worthwhile to emphasise, together with Cecile Caby,⁴⁵ the capacity demonstrated by the lay intermediaries of the brethren to direct the convents' economy as well as their tendency to align the economic strategies of the mendicant religious communities on urban models, paying attention to costs, the right prices and economic advantages. Certainly it could happen that, in certain cases, an augmentation in property occurred in more traditional ways, as at Fossano in Piedmont where, on 29 March 1305, a married couple donated all their goods, mobile and real-estate, to the procurator of the local convent of the Minor brethren.⁴⁶ However, these are exceptions. The mendicants also followed different paths from the monastic and ecclesiastical tradition in the way the land and real-estate revenue was obtained

5. *A Stable Economy Based on Chance*

The structural bond between the mendicant orders and the world of the town—which, in different ways, maintained the tradition of the organic relations between ecclesiastical institutions (bishop, chapters, parish) and town—was also innovative insofar as the economy was concerned. The

⁴² Ibid., p. 333, note 83.

⁴³ A. Benvenuti, "Fonti e problemi per la storia dei penitenti a Firenze nel secolo XIII," in *Collectanea Franciscana* 43 (1973), pp. 279–301, in particular pp. 287–290; G.G. Meersseman, *Dossier de l'ordre de la pénitence au XIII^e siècle*, Spicilegium Friburgense 7, (Fribourg, Suisse, 1982²), pp. 11–36, 264–275.

⁴⁴ For example in Padua and Vicenza: A. Rigon, "I laici nella Chiesa padovana del Duecento: conversi, oblato, penitenti," in *Contributi alla storia della Chiesa padovana nell'età medioevale*, I, Fonti e ricerche di storia ecclesiastica padovana 11 (Padua, 1979), pp. 53–55, 71–77, but the phenomenon is a general one: see on this matter the contributions in *Il movimento francescano della Penitenza nella società medioevale*, Atti del 3^o Convegno di studi francescani (Padova, 25–27 settembre 1979), ed. Mariano d'Alatri (Rome, 1980).

⁴⁵ Caby, "Il costo dell'inurbamento," pp. 333–335.

⁴⁶ *Le carte dei frati Predicatori di S. Giovanni di Saluzzo (1305–1505)*, ed. T. Mangione, (Cuneo, 2005), doc. 1, pp. 33–34.

secular clergy, with whom the doctrinal dispute was long, and the numerous conflicting situations at the local level,⁴⁷ had developed modes of exacting economic resources in and out of town through a system of tithing and quarterly-charges. In other words, the secular clergy enforced oblations which the parishioners originally had to hand over to the bishop, the canons and the parish in exchange for their religious services.⁴⁸ The mendicants had recourse to charity and organized begging, to the extent of making a profession of it. They expanded it from the city to the outside territory, establishing it as a basis for their peculiar kind of economy based on offerings, consonant with certain aspects of town-style exchange and circulation of goods in trade as well as in the arts and professions.⁴⁹ Yet begging and charity, guaranteed through the implementation of subtle techniques of persuasion and psychological pressure of well-proven effectiveness,⁵⁰ were not restricted to simple and occasional demands of public and private subventions; there were also ordinary contributions, regularly allocated by town governments. These were in addition to regulated mendicancy of which the benefits were endangered only by the competition with the clergy and other orders and by falling afoul of the citizen's patience, exasperated by the weight of repeated demands for assistance.⁵¹

⁴⁷ See Rigon, *Frati minori e società locali*, pp. 275–276.

⁴⁸ See on this C. Boyd, *Tithes and parishes in medieval Italy. The historical roots of a modern problem* (Ithaca, NY, 1952); and for an example referring to an important city of northern Italy A. Rigon, *Clero e città. "Fratalea cappellanorum", parroci, cura d'anime in Padova dall'XI al XV secolo*, *Fonti e ricerche di storia ecclesiastica padovana* 22, (Padua, 1988).

⁴⁹ Many examples can be seen in the *Determinationes*, p. I q. V, pp. 340^b–341; q. VII, pp. 342^b–343; p. II, q. XV, p. 368^a; q. XIX, p. 370^b.

⁵⁰ Concerning moral pressure, see the following passage from the *Determinationes*, p. II, q. IX, p. 364^b: "Nam si, me petente eleemosynam, aliquis dives promittat quod singulis annis velit dare fratribus duas tunicas vel tantum unam, vel singulis hebdomadis tot panes et hoc committat officialibus suis, ut vice sui ista dent, etiam eo absente et hoc pro fratribus recipiam vel etiam, si illi negligant dare, admonendo exigam, numquid propterea certos redditus habere dicendi sumus, cum non ex iure, sed ex gratia solum talem eleemosynam recipiam vel exigam?" It is interesting, insofar as it is a testimony to the perfect awareness of the psychological mechanisms involved in the relation between the giver and the receiver, to note the mention of the embarrassment felt by those who, though bombarded with requests for charity, are ashamed and blush at their refusal to give: "Dum nimis urgemus homines ad dandum, perdunt devotionem ad nos prius habitam, quod nec de praedicatione, nec exemplis nec aliis, quae facimus aedificantur. Unde cum vident nos accedere, terrentur et timent quod aliquid velimus ab eis expetere, quod grave sit eis dare et erubescant negare; et si dederint non libenter, minus merentur, et sic rebus, devotione et merito privantur." (*Ibid.*, p. I, q. VI, pp. 341^b–342).

⁵¹ Both aspects were connected; see preceding note, and, amongst many references to

Communal statutes fixed annual installments to be paid in as charity to the brethren almost everywhere (not only to the mendicants, though usually the greatest part went to them). An organic link was thus established with the religious communities on an economic basis. In Bologna, the statute of 1335 granted 100 lire each year to the Preachers, the Minorites, the Hermits and the Carmelites, as well as 50 lire to the Servants of Mary at determinate festivities tied to venerated saints within each order and to the Madonna.⁵² Siena also granted 100 lire a year, divided into two six-month instalments, to the Minorites, the Preachers and the Hermits, whilst lesser amounts were allotted to the Carmelites and the Servants of Mary.⁵³ We are told in greater detail that at Casale Monferrato, in Piedmont, the 30 Pavesian lire assigned to the Minorites and the 15 lire assigned to the Hermits were distributed *pro elemosina et subsidio vestimentorum suorum*.⁵⁴ For the acquisition of clothing, the municipality of Padua settled an annuity of 100 lire on the Minorites and an equal amount on the Preachers and the Hermits.⁵⁵ In Pistoia, charity was annually dispensed for firewood to the Minorites and the Preachers (50 lire) and for clothing to various groups of Hermits (5 lire each).⁵⁶

rivalries and competition of this kind, see the following passage from the *Determinationes* p. I, q. VII, pp. 342^b-343: "Quia plures modo mendicantes sunt in Ecclesia de diversis ordinibus, et quod nobis solum dabatur integrum nunc minutatim dividitur inter plures. Unde cogimur nunc latius tanto vagari, quo minus in locis singulis datur nobis"; and about the polemics with the clergy: "Quarta causa, quia timent sibi aliqua per nos emolumenta subtrahi, dum eleemosynas quae dantur nobis arbitrantur sibi dandas fore, si non essemus. Et haec videtur potior esse causa pluribus, qui nos odiunt, scilicet si plus inhiant lucris pecuniarum a suis subditis quam fructui animarum." (*Ibidem*, q. XIII, p. 355).

⁵² *Lo statuto del comune di Bologna dell'anno 1335*, ed. A.L. Trombetti Budriesi, I, Fonti per la storia dell'Italia medievale, Antiquitates 28, (Rome, 2008), pp. 379-380; the Preachers were assigned an additional annuity of 100 lire for St. Mary's day in Easter Week; the Hermits' convent *qui morantur extra circhullam burgi Sancti* got 25 lire every year during the festivities of *domini nostri Jesu Christi* and another 25 lire for the festivities of the body and blood of Christ celebrated during May and June. (*ibidem*, pp. 380-381).

⁵³ *Il costituito del comune di Siena, volgarizzato nel 1309-1310*, ed. Mahmoud Salem Elsheikh, I, (Siena, 2002), pp. 62-63.

⁵⁴ *Gli statuti di Casale Monferrato del XIV secolo*, ed. P. Cancian, with introductory essays by G. Sergi and A. Settia, Biblioteca della Società di Storia, arte e archeologia per le province di Alessandria e Asti 22, (Alexandria, 1978), n° 332, p. 446.

⁵⁵ *Statuti del comune di Padova dal secolo XII all'anno 1285*, ed. A. Gloria, (Padua, 1873), n° 1151, p. 351.

⁵⁶ *Statuti pistoiesi del secolo XIII*, Studi e testi, ed. R. Nelli and G. Pinto, III: *Statutum potestatis communis Pistorii* (1296), ed. L. Zdekauer, (Pistoia, 2002), p. 240; special attention is paid to the Servants of Mary to whom the city grants 50 lire for the construction of their church and is greatly involved in furnishing them with money and possessions

These stable forms of donations had their counterpart in the brethren's offering to intercede in their prayers *pro bono statu civitatis*, and often took on a more precise significance in the religious services offered to the city. For example, the thirteenth-century statutes of Rieti, a small town in Lazio,⁵⁷ had established that, in order to impose discipline in the behaviour of the priors of the town who were too inclined to attend different churches for liturgical celebrations, an altar would be constructed in their own residence. Mass would be celebrated there at least four times a week by the brethren of the convents of St. Dominic, St. Francis and St. Matthew who would take turns to perform the celebrations on a weekly basis—failure to do so would incur loss of their charity funds.⁵⁸ In this case, charity was clearly transformed into a form of compensation for services of religious character carried out for the city. For other services, it is even possible to speak of proper salaries.⁵⁹

Apart from secured donations, nuns and friars of all mendicant orders would receive special offerings from the cities at particular events, when for example, the general chapters were held, or as sustenance for the churches and convents. In Siena in 1306 there was a deliberation over the giving of twenty thousand bricks each year to the Preachers of Camporeggio in order for them to construct their church.⁶⁰ Thirty *modii* measures of mortar and thirty thousand bricks a year were intended for the construction of the church of St. Augustine, as well as 30 lire for the dormitory of the Servants of Mary.⁶¹ In a similar way, in other small Tuscan centres, the brethren were furnished with bricks and mortar, or they

so that they are able to sustain their bodies at the service of God and the Virgin, and for the salvation of the inhabitants' souls. The town assumes the responsibility of the maintenance of the brethren who, on the basis of the dispositions of the second Council of Lyon, were prohibited from *elimosinando vel elimosinam querendo* (*Ibidem*, pp. 241, 246–247).

⁵⁷ The religious life of this town during the Middle-Ages has been studied in an important monograph by R. Brentano, *A New World in a Small Place. Church and Religion in the Diocese of Rieti, 1188–1378*, (Berkeley, CA, 1994).

⁵⁸ *Lo statuto della città di Rieti dal secolo XIV al secolo XVI*, ed. M. Caprioli, *Fonti per la storia dell'Italia medievale*, Antiquitates 30, (Rome, 2008), pp. 37–38.

⁵⁹ The guardian of the convent at Rieti of St. Francis, for example, was keeper also of one of the four keys to the drawer in which the papers concerning the policies for the government of the town's priors were preserved. If the guardian would fail with regards to some of the precise dispositions relative to the public handing over of the keys—when this should be required—the brethren would lose their annual charity funding. (*Lo statuto della città di Rieti*, libro I, n° 33: *De serraturis cassette in qua esse debet officium dominorum priorum et de apertura ipsius*, pp. 42–43).

⁶⁰ *Il costituito del comune di Siena*, art. 6, p. 62.

⁶¹ *Ibid.*, art. 8, pp. 62–63 and art. 10, p. 63.

were granted money for the construction of their church and convents: for example at San Gimignano,⁶² or in Poggibonsi, where the statutes, profuse in norms relative to the mendicants, clearly reveal the symbiotic aspect of their relation with the city.⁶³ In exchange for these favours, the cities tried to subject the brethren's mendicancy to some form of control. In San Gimignano, for example, the Franciscans and the Augustinians were asked to discipline their practicing of beggary and forego begging on Saturdays and vigils.⁶⁴

Begging and public charity were also wide-spread in southern Italy where, for example, the Anjou in Naples reserved a considerable part of their tax revenues for the construction and reconstruction of churches and convents.⁶⁵ But these revenues were not the only and perhaps not even the greatest economic resource for the brethren. Rather it was private beneficence in the form of testamentary bequests which constituted the main, or at least the most common economic sustenance available to the brethren. In promoting this testamentary practice, the mendicants secured considerable revenues for themselves and taught the possessors of riches how they could save their souls by turning to beneficence, even with money which had been illegally earned.⁶⁶ At the same time, they were exercising a strong influence on current economic practices by contributing to liberalizing the transmission of goods as inheritance outside of the family circle. Since the bequests depended on the wishes of the testators, they were naturally entrusted to chance. Taking into account the centrality of the bequests in the economic life of mendicant communities it was precisely for this reason that the mendicant economy was considered an economy of chance, marked by instability, insecurity, and risk.⁶⁷ Yet it should not be forgotten that perpetual legacies for

⁶² See Ch.M. de La Roncière, "Società locali e Ordini mendicanti nella Val d'Elsa fiorentina del Trecento (1300-1370)," in *Gli Ordini mendicanti in Val d'Elsa*, p. 237.

⁶³ *Ibid.*, pp. 236-238.

⁶⁴ *Ibid.*, p. 237.

⁶⁵ See Chiffolleau, "Conclusion," in *Dans Economie et religion*, p. 722.

⁶⁶ The bibliography on this matter is rather abundant; restricting ourselves to Italy, the reference title remains "*Nolens intestatus decedere*". *Il testamento come fonte della storia religiosa e sociale*. Atti dell'incontro di studio (Perugia, 3 maggio 1983), (Perugia, 1985); Jacques Chiffolleau in the afore-cited *Conclusions. Les convents, l'échange, le religion*, pp. 433-439 points to a number of recent studies concerning various different European countries.

⁶⁷ Jacques Chiffolleau has drawn attention to these aspects many times, for example in concluding the conference on the economy of the convents of the Minorite and Preaching Friars until the first half of the 14th century (Chiffolleau, "Conclusions, Les convents, l'échange, le religion," pp. 411, 419-420, 430, 434-439, 445) and in the "Conclusion" of

prayers of intercession, Masses, anniversaries—which multiplied starting at the end of the thirteenth century—necessitated the collection of fixed revenues either in material resources or money destined to last with time and, for this reason, were registered in the *libri testamentorum* of the convents' archives. By these means, either by administering property as proxy for long periods of time or identifying themselves with the *pauperes Christi* named as heirs in testaments, the mendicant orders had a stable access to land resources without being formal landowners. And this was what the municipality of Padua, for example, denounced in 1302 when it encouraged the drafting of an inventory of the landed property of the Minor Friars. This inheritance derived, for the most part, from the testamentary bequest of a noblewoman, presenting it as a “Book of the *sedimina*, of the houses, land, and other possessions of the Minor Friars in Padua and its district, and of the annual benefits obtained from them. However, on request, the friars pretended that it was others who were the owners of said property and possessions.”⁶⁸

6. Property and Usage

Wealth that was acquired in this manner did not remain immobile. As the documentation shows, starting from the last decades of the thirteenth century, wealth was rapidly placed in circulation; for consumption (in food, clothing, books), for construction, and for pastoral necessities. The mendicants' activity ended up having important consequences for town economies. The maintenance, restoration, and embellishment of churches and convents demanded workforce and investment. They set the markets in motion, calling for expertise from other cities.⁶⁹ In

Dans Economie et religion, pp. 721, 724, 731; for a comparison with the economy of the parishes, note his study on “Les transformations de l'économie paroissiale en Provence (XIII^e–XV^e siècles),” in *La parrocchia nel Medio Evo. Economia, scambi, solidarietà*, ed. A. Paravicini Bagliani and V. Pasche, *Italia sacra* 53 (Rome, 1995), pp. 61–117, in particular pp. 96–98.

⁶⁸ See The “*Liber contractuum*” dei frati Minori di Padova e di Vicenza (1263–1302) ed. E. Bonato with the collaboration of E. Bacciga, *Fonti per la storia della Terraferma veneta* 18, (Rome, 2002), to which is added the *Liber possessionum*, pp. 923–969: 926; for an illustration and commentary, see the introductory essay by A. Rigon, *Frati Minori, inquisizione e comune a Padova nel secondo Duecento*, *Ibid.*, pp. V–XXXVI, in particular pp. X, XII; in addition *Id.*, *Conflitti tra comuni e Ordini mendicanti*, pp. 353–354.

⁶⁹ For synthetical remarks on this question, see Rigon, *Frati minori e società locali*, pp. 273–275; in recent years, detailed enquiries have been produced regarding the role

addition, the convents played the role of bank depositaries where money and precious objects could be securely kept.⁷⁰

Such intertwining of activities raised objections from zealous and spiritual brethren who regarded the original ideals of evangelical poverty contained in the Christian proposal of Francis of Assisi betrayed. Incomprehension and tension rapidly manifested themselves between those who considered the evolution of the order as a betrayal of the teachings of Francis and those who regarded these developments as a providential pathway.⁷¹ Dissention broke out into open rebellion when, in 1274, news spread that Gregory X would have forced the mendicant orders to accept common property in accordance with the monastic and canonical tradition. The revolt sprung forth amongst the brethren of the Marches of Ancona in central Italy, only to extend to the Minorite provinces of Umbria and Tuscany. The protest then broadened to reach southern Italy, the south of France, and spread its roots in certain areas of the Iberian peninsula.⁷² Some areas refrained from participation, such as northern Italy where the order had precociously developed more stable forms of osmosis with town life and its socio-economic realities. In northern Italy the collaboration with local churches in pastoral activity and ecclesiastical reform had been more intense, with an openness to culture and a manifest tendency to get involved in social and political life.⁷³

It would clearly be misleading and would wrongly portray actual situations to highlight or even only to isolate a merely economic aspect in the context which drove the very *raison d'être* of the Minorite friars to a state of crisis. The Spirituals meant to reconnect with the experience of the teachings of Francis by defending the purity of their origins, wishing to respect the Rule and the Testament of Francis in a literal manner, and

which art and architecture have on the economy of the mendicant Orders: see, most recently, J. Cannon, "Sources for the Study of the Role of Art and Architecture within the Economy of the Mendicant Convents of Central Italy: A Preliminary Survey," in *Leconomia dei conventi*, pp. 215–262 (with references to the abundant bibliography).

⁷⁰ See *Le carte duecentesche*, n° 111, pp. 218–220; 133, pp. 262–263; 148, pp. 289–291; 164, pp. 320–321; and see also n° 19, pp. 28–29 relating the depositing of a casket full of money and precious objects in the hands of the Preachers of St. Sabina in Rome.

⁷¹ The related bibliography is profuse. Suffice it to refer here to D. Burr, *The Spiritual Franciscans: from Protest to Persecution in the Century after Saint Francis* (Philadelphia, 2001), and to the clear synthesis in G.G. Merlo, *Nel nome di san Francesco. Storia dei frati Minori e del francescanesimo sino agli inizi del XVI secolo* (Padova, 2003), pp. 232–276.

⁷² Merlo, *Nel nome di san Francesco*, pp. 232–233.

⁷³ See on this point A. Rigon, *Dal Libro alla folla. Antonio di Padova e il francescanesimo medioevale* (Rome, 2002), pp. 21–38.

through a reaffirmation of the choice of radical poverty. They inserted him within an eschatological perspective, inspired by the doctrine of Joachim of Fiore, and within a global design of a history of salvation marked by the passage from the carnal Church to the spiritual Church after a phase of tribulation.⁷⁴ However it is true that the nodal point was poverty, both at the level of ideas, as well as at the level of its practice. Even in the 1279 letter *Exiit qui seminat* in which Pope Nicholas III tried to reconcile the contrasts, the question of the rejection of property and ownership remained central.⁷⁵ According to the Pope, “renouncing all form of property signified entrusting oneself to divine providence, without renouncing the use of the indispensable things for human life which the brethren were capable of providing themselves with, following the Rule, through donations, mendicancy, the *laboritium*.”⁷⁶ But the actual use of those goods necessary for nourishment, clothing, worship, study, as indicated by the Pope as ways of carrying out Francis’ ideal, needed to be given a precise form for each concrete situation of everyday life. It implied behaviors, choices, practical decisions, and a context of unavoidable economic activities. It was in view of these that Nicholas III dwelled—not by chance—on questions concerning charity, clothing, and menial work. Further, he indicated solutions and insisted that property and ownership of goods be taken over by the Apostolic See.⁷⁷ It is in such a context that theological, ethical, and historical considerations converged with issues of an economic nature and must be measured against the latter. For it is in the very heat of polemics involving a choice of life that there emerged within the Order of the Friars Minor, if not a science, then certainly a critical line of thought turning on the question of human agency. In other Orders, this discussion was much more academic. Different solutions

⁷⁴ On the themes of eschatology and Joachimism in relation with Franciscanism, the fundamental texts are B. Töpfer, *Das Kommende Reich des Friedens. Zur Entwicklung chil-iastischer zukunfts Hoffnungen im Hochmittelalter* (Berlin, 1964); M. Reeves, *The Influence of Prophecy in the Later Middle Ages. A study in Joachimism* (Oxford, 1969); Stanislao da Campagnola, “Dai “viri spirituales” di Gioacchino da Fiore ai “fratres spirituales” di Francesco d’Assisi. Una tipologia religiosa,” in *Picenum Seraphicum* 11 (1974), pp. 24–52, amplified and republished by the author in his book *Francesco e francescanesimo nella società dei secoli XIII–XIV* (Assisi, 1999), pp. 147–202; R.E. Lerner, *Refrigerio dei santi. Gioacchino da Fiore e l’escatologia medievale* (Rome, 1995).

⁷⁵ See *Bullarium Franciscanum*, ed. J.H. Sbaralea, III, Romae 1765 (anastatic reprints, Santa Maria degli Angeli: Perugia, 1984) CXXVII, pp. 404–417.

⁷⁶ See Merlo, *Nel nome di san Francesco*, p. 235.

⁷⁷ *Bullarium Franciscanum*, pp. 404–417 and for an insightful analysis of the *Exiit qui seminat* see P. Grossi, “La nozione di proprietà nella inaugurazione dell’età nuova,” in *Una economia politica nel medioevo*, ed. O. Capitani, (Bologna, 1987), pp. 10–16.

were suggested with respect to poverty, money and the usage of goods: from the “moderate” ones suggested by Bonaventura of Bagnoregio or Matthew of Acquasparta,⁷⁸ to the radical ones of Ubertino of Casale, a prominent figure of Spiritualism, but who was also welcomed for a long time amongst the highest authorities of the Church. Ubertino’s *Rotulus iste*, a list of violations against the Rule, drawn up between 1310 and 1311, seems to have inspired the conciliatory constitution *Exivi de Paradiso* produced in 1312 by the Council of Vienne. In it, the behavior of some friars was stigmatized, namely those who would have themselves nominated heirs of testators, receive annual incomes, carry out the directives of testaments, produce and sell oil and wine, fill up the cellars and granaries of convents, accept arms and horses as funerary offerings, possess precious sacred vestments, and build sumptuous churches and buildings.⁷⁹ To this end—to take the example of urbanization and its consequences again—Ubertino of Casale had criticized the widespread custom amongst Franciscans, especially in Italy, of abandoning the suburbs in order to move to the heart of the town, acquiring expensive houses and wasting large quantities of money in the construction of new elegant buildings and the making of more spacious convents.⁸⁰

7. *Economy and Ethics*

The legislation of the mendicant orders in financial matters had, in effect, repeatedly marked out limitations and imposed prohibitions. The tendency—verified in the regulative documents from the second half of the thirteenth century of the two main orders, Franciscan and Domi-

⁷⁸ On these, see Langholm, *Economics in the Medieval Schools*, pp. 142–167, 323–327.

⁷⁹ See Merlo, *Nel nome di san Francesco*, pp. 254–259; and for the text of the *Exivi de paradiso*, see *Conciliorum oecumenicorum decreta*, curantibus J. Alberigo, J.A. Dossetti, P.P. Joannoau, C. Leonardi, P. Prodi, consultante H. Jedin, (Bologna, 1973³), pp. 392–401.

⁸⁰ See the following passage by Ubertino of Casale see: “Item cum secundum morem patrum nostrorum deberemus morari extra habitationem hominum, vicini tamen villis, nunc non solum in suburbiis sed in medietullis civitatum, ubi est major frequentia populorum et carestia domorum sepe accipimus loca nova, maxime in Italia, pristina loca aliquando pulcra et amena et bene edificata et spirituali quieti ydonea relinquentes, non parcentes de hoc scandalo cleri vel populi, ementes domos carissimas et pulcras ad diruendum et ibi consummantes inestimabilem quantitatem pecunie in edificando curiose et dilatando spatium loci:” quoted from J. Le Goff, “Ordres mendiants et urbanisation dans la France médiévale,” in *Annales. Économies, sociétés, civilisations* 25 (1970), p. 942.

nican—consisted in restricting the perpetual individual charities of the brethren, preventing them from becoming money collectors, prohibiting them from becoming testamentary commissioners, not allowing them to carry or keep money, to contract debts, or be named testamentary heirs, or forbidding the collection of compensation for the practice of pastoral and sacramental tasks. A large space was reserved also to regulating the possession of books which, for their intrinsic value and their symbolic significance, played a rather considerable role in the economic and financial life of the mendicant communities.⁸¹

The actual application of these norms had to be verified case-by-case, also taking account of the capacity of the brethren to escape from prohibitions, to have recourse to unscrupulous legal fictions, and to sophisticated modes of document writing.⁸² On the other hand, a great effort was put into reflections about the economic realities which faced the mendicant orders by their own expert theologians and jurists who had been pushed to action by the polemics with the secular clergy. It paved the way for an economic ethics which was ever more directed towards trading activities. The most significant progress made in this direction was by Peter John Olivi († 1298), the Franciscan theologian and philosopher who, toward the end of the thirteenth century, more than any other thinker focused his attention on problems of morality tied to the use of money and the practice of commercial activity.⁸³ Questions of money, of fixing prices, and of trade are central to his works. He considered these not on the basis of abstract principles but by taking up cases which

⁸¹ For the Dominican legislation, see Th. Käppeli, "Acta capitulorum Provinciae Lombardiae (1254–1293) et Lombardiae inferioris (1309–1312)," in *Archivum fratrum Praedicatorum* 11 (1941), pp. 138–172, in particular pp. 141, 144, 146, 155–156, 162, 164; as for the Minor brethren: A.G. Little, "Definitiones capitulorum generalium Ordinis fratrum Minorum 1260–1282," in *Archivum Franciscanum historicum* 7, (1914), pp. 672–682; C. Cenci, "Le costituzioni padovane del 1310," *Archivum Franciscanum historicum* 76 (1983), pp. 505–588, and the recent book edited by C. Cenci—R.G. Mailleux, *Constitutiones generales Ordinis fratrum Minorum*, I, *Saeculum XIII*, *Analecta franciscana* 13, n.s., *Documenta et studia* 1 (Grottaferatta [Rome], 2007), pp. 31–34, 50–51, 53–54, 73–75, 114–116, 163–168, 228–230, 238, 292–294. For an investigation of the economic value of the books and libraries of the mendicant Orders, see L. Pellegrini, "Libri e biblioteche nella vita economica dei Mendicanti," in *L'economia dei conventi*, pp. 187–214.

⁸² See Rigon, *Conflitti tra comuni e Ordini mendicanti*, pp. 352–355.

⁸³ The bibliography on Olivi and his ethico-economic doctrine has greatly increased in recent years; suffice it here to refer to Langholm, *Economics in the Medieval Schools*, pp. 344–373, who, with abundance of information, indicates some preceding works of importance (See, in particular, p. 344 note 1).

exemplify concrete economic situations.⁸⁴ Doctrine and practice converged in the complicated discussions concerning trading models: renting, mortgaging, selling, tithing of agistments, commercial companies, forced loans, selling off at fixed prices, all of these elements are found in Olivi's ethical line of thought. As to their lawfulness however, it is not valued "*secundum absolutam sui considerationem*" but rather on the basis of their *communis utilitas*. Trade, profit, and gain were justified with respect to the common good. Following this logic, usury was naturally condemned for its purely speculative nature and its unproductiveness with regards to the *communis utilitas*.⁸⁵ However, Olivi introduced new points in the debate about the credit system. To the substantially negative judgement passed on the practice of selling at a fixed time or fixed term by those who saw it as a speculative operation and by those who set up the problems at a metaphysical level of the property of time (you cannot sell that which is not human, but transcendent and divine), he substituted a vision circumscribed by time, limited to its particular and specific significance in economics in relation to a sale and a commercial act.⁸⁶ Thus, it was not time in an absolute sense which was at stake, but trading time, whose introduction in purely economic transactions was acceptable.

In the first half of the fourteenth century another Franciscan, John Duns Scotus—setting aside the Aristotelian conception of the sterility of money—perceived that it is in profit that the wealth necessary to life in society is produced and reproduced. This suggested a path towards a positive acknowledgement of trading activity. Within the economic structure of trade, there is thus a fully legitimate articulation of the Christian civic community.⁸⁷ Such ideas would be welcomed in the following century with the movements of Observance. As for Olivi, the line he took on the Franciscan conception of poverty was met with insuperable hostility. This line was held, in contrast to the Dominican Thomas Aquinas, as first amongst the vows aiming at evangelical perfection and was characterized not only by individual and communitarian renunciation of wealth and

⁸⁴ The reference is, naturally, to the *Tractatus de emptionibus et venditionibus, de usuris, de restitutionibus*, ed. Todeschini, *Un trattato di economia politica francescana*, pp. 51–108.

⁸⁵ *Tractatus*, pp. 64–65.

⁸⁶ Todeschini, *Un trattato di economia politica francescana*, pp. 25–26.

⁸⁷ See on this point G. Todeschini, "Teorie economiche francescane e presenza ebraica in Italia (1380–1462c)," in *Il rinnovamento del francescanesimo: l'Osservanza*, Atti dell'XI Convegno internazionale (Assisi, 20–21–22 ottobre 1983), (Assisi, 1985), pp. 198–200.

possession but also by the extremely restricted use of essential objects (*usus pauper*).⁸⁸ For this and other claims he was attacked and censured by his own order. Counted amongst the Spirituals, his ethical and political conceptions were set aside until their revival in the fifteenth century when the movement of the Observance was gaining ground. In 1299, a year before his death, his doctrines were condemned in the provincial Chapter of the Minorite friars of southern France, when a repression of growing harshness against the Spirituals was set in motion.⁸⁹ In effect, a phase of severe crisis opened inside the Order of Friars Minor, divided from within and subsequently entering in direct conflict with the Pope himself, during the papacy of John XXII (1316–1334).⁹⁰

8. *The Economical Implications of Inquisitorial Activity*

Beyond the tensions and the disputes both internal and external to the Franciscan Order, the Minorites and the Preachers went through highly critical moments during the first half of the fourteenth century due to the scandals provoked by their administration of the office of the Inquisition. These were not matters concerning the identification of heretics, nor the evaluation of heresy, nor the running of the trials, but rather issues of the financial administration of the office of the faith, and ultimately the behavior assumed with regards to the choice of poverty and to the norms the orders had given themselves.

In the fight against heresy, the economic aspect had acquired increasing importance with time. Though the pontifical letter *Ad abolendam*, circulated by Pope Lucius III in 1184, may be considered the founding text for the centralized and unified repression of heretics, the economic consequences of the anti-heretical action can only be indirectly perceived.⁹¹

⁸⁸ For a thorough analysis, see D. Burr, *Olivi and Franciscan Poverty. The Origins of the "Usus Pauper" Controversy* (Philadelphia, 1989); see also Langholm, *Economics in the Medieval Schools*, pp. 347–351.

⁸⁹ D. Burr, "The Persecution of Peter Olivi," in *Transactions of the American Philosophical Society* 66 (1976), n. 5, pp. 1–98; and for its place in the more general history of the order of the Minor friars, G.G. Merlo, *Nel nome di san Francesco*, pp. 237–251.

⁹⁰ On the history of the order in this period, see Merlo, *Nel nome di san Francesco*, pp. 232–276.

⁹¹ For example, the loss of benefit in the case that the heretic be a clergyman or the severed relations with other towns for those towns which resist applying the decretal and admonition of the bishops: E. Friedberg, *Corpus iuris canonici, pars secunda (Decretalium collectiones): Decret. Gregor. IX, Lib. V, tit. VII De hereticis*, coll. 780–782 (ivi col. 781).

Vergentis in senium by Innocent III in 1199, apart from declaring the loss of civil rights for heretics and their supporters (following a tradition already embraced by Lateran III) also established the confiscation of heretics' goods and the loss of their hereditary rights for their children.⁹² During Innocent's papacy, the town of Viterbo experimented with a tri-partition of the confiscated goods in 1203, to the complete advantage of the civil authorities.⁹³ However, though there was some resistance from the municipalities and quarrels with them (since they were reluctant to take the anti-heretical legislation of pontifical and imperial stamp into their own statutes, and especially to put them into action), in time an unbalanced division to the advantage of the inquisition was arrived at. It was, in the meantime, entrusted to the Preachers and Minor friars (who remained however under the ordinary Episcopal power in the question), who were guaranteed two-thirds of the requisitions and fines to the office of the faith.⁹⁴ This regulation was ultimately sanctioned by Innocent IV, the Pope who comprehensively systematized and organized the inquisition. The bull *Ad extirpanda* promulgated on 12 May 1252 summarized the preceding legislation. In it the tasks, procedures, and organizational criteria of the court of faith, and the financial measures in the fight against heresy played an essential role.⁹⁵ The confiscation of the possessions belonging to heretics and their supporters was confirmed, as well as the division of those possessions among three parties: the civil authorities, the officials from the Inquisition, and the Inquisition itself. The officials' salaries as well as the fines and penalties for transgressors were also fixed. The Inquisition thus became not only an organization of defence of religious orthodoxy and repression of dissension, but also

⁹² Ibid., coll. 782–783 and for the decree of Lateran III concerning the confiscation see *Conciliorum oecumenicorum decreta*, can. 27, pp. 224–225; an examination of the civic and ecclesiastical legislation of this question and its theoretical presuppositions has been carried out by L. Paolini, “Le finanze dell’inquisizione in Italia (XIII–XIV sec.),” in *Gli spazi economici della Chiesa nell’Occidente mediterraneo*. Sedicesimo convegno internazionale di studi del Centro italiano di studi di Storia e d’arte di Pistoia (Pistoia, 16–19 maggio 1997), (Pistoia, 1999), pp. 449–481.

⁹³ One part was allotted to he who had arrested the heretic, another to the secular tribunal and another intended for the construction of the walls of the town in which the arrest took place (Paolini, “Le finanze dell’inquisizione,” p. 450).

⁹⁴ See Paolini, “Le finanze dell’inquisizione,” pp. 450–472 who examines the evolution of the regulations and their practice.

⁹⁵ A recent edition of the text can be found in G. Bronzino, “Documenti riguardanti gli eretici nella Biblioteca comunale dell’Archiginnasio” in *L’Archiginnasio* 75, (1980), pp. 28–37.

collectors and redistributors of wealth. The accumulation of numerous and large fortunes ended up creating problems; tempting those brethren invested with the roles of inquisitors. In the Veneto, in Lombardy, and in Tuscany the brethren were accused of illegally taking hold of money, embezzlement, collecting bribes, and of private advantages which also implicated the convent's communities and their governing bodies to a large extent.⁹⁶ The Minor brethren, who were the officials of the courts of the faith in the Trevisian Marches, were found guilty of such crimes during an inquiry prosecuted by Pope Boniface VIII in 1302 at the instigation of the municipality and the bishop of Padua.⁹⁷ But many other inquisitors were subjected to court trials in the first decades of the fourteenth century. The Dominican Guido of Vicenza, though he had become bishop of Ferrara, was subjected to an inquest in 1308, together with three other Lombard inquisitors. Together in Bologna, they had pocketed large sums of money in matters concerning the Jews and for other reasons in the name of the inquisitorial office.⁹⁸ Between 1310 and 1315 John of Pizigotis, an inquisitor in Ferrara, Modena and Reggio accumulated liabilities of almost 110 florins within four years and a half, whilst at the same he had squandered a sum short of 500 lire on clothing and feasts drawn from lawsuits against the Jews.⁹⁹ In his twenty months of inquisitorial activity, between 1332 and 1334, Mino Daddi of St. Quirino, a Tuscan inquisitor, had committed fraud of up to 560 florins worth of money and collected, concealed, and spent 1,600 illicitly, superfluously, or for false reasons.¹⁰⁰

⁹⁶ See on this, the works of G. Biscaro, "Inquisitori ed eretici lombardi (1292-1318)," in *Miscellanea di storia italiana*, ser. III, 19 (1922), pp. 447-457; "Inquisitori ed eretici a Firenze (1319-1334)," in *Studi medievali* 2, (1929), pp. 347-375; 3, (1930), pp. 265-287; 6, (1933), pp. 161-207; "Eretici ed inquisitori nella Marca Trevisana (1280-1308)," in *Archivio veneto*, s. V, 2 (1932), pp. 148-180; e d. Mariano d'Alatri, *Eretici ed inquisitori. Studi e documenti*, I, *Il Duecento*, Bibliotheca seraphico-capuccina 31, (Rome, 1986), pp. 139-217, 223-242.

⁹⁷ In addition to the works of Biscaro and Mariano d'Alatri quoted in the preceding note, see, most recently, *Il "Liber contractuum"*, and the essay by Rigon *Frati Minori, inquisizione e comune*, pp. V-XXXVI, in particular pp. XVII-XX.

⁹⁸ Paolini, "Le finanze dell'inquisizione," pp. 473-474.

⁹⁹ *Ibid.*, p. 479.

¹⁰⁰ *Ibid.*, p. 480. On this character and more generally on the management of the court of the faith in Tuscany see C. Bruschi, "Inquisizione francescana in Toscana fino al pontificato di Giovanni XXII," in *Frati Minori e inquisizione*, Atti del XXXIII Convegno internazionale (Assisi, 6-8 ottobre 2005), (Spoleto, 2006), pp. 288-290, 296-297, 299, 301-302, 305, 310-311, 318-322.

This scandalous aspect, which is testified to by many other cases, is well known. Recent studies however, have drawn greater attention on the more determinately economic implications of inquisitorial activity.¹⁰¹ The inquisitors did not only act as religious repressors but, relative to their ranks in office, at least in the central and northern cities, they set in motion economic dynamics of vast influence. This was accomplished thanks to the considerable sums of money they could dispose of.

As is attested by a register of court acts in Bologna in 1299, a deposit had been demanded which was paid in to the Office of the faith of 2,975 Bolognese lire; only 2,530 lire were subsequently charged as a fine.¹⁰² In Vicenza, for the years 1300–1301, Boninsegna of Trento, the inquisitor, confiscated 25,524 lire, of which only 1,000 went to the municipality.¹⁰³ The inquisitors of the Trevisian Marches, tried in 1308 and excommunicated for not having paid in to the Apostolic See various sums of money collected by each of them, handed over 1,200 gold florins and 308 ducats and were sentenced each to pay great quantities of money.¹⁰⁴ Peter of l'Aquila, an inquisitor in Florence (1344–1346), had the reputation of being a “proud and wealthy” man, who had become rich through extortion of money, having accumulated over 7,000 gold florins.¹⁰⁵

Moreover, money was being accumulated using new means: no longer donations, testamentary bequests, payments for services, but rather confiscation of the possessions of heretics and their supporters, fines, and deposits. Such activity interfered with the often considerable interests of family groups, money-lenders, commercial societies, and of the municipalities themselves. The latter, alarmed by the power of the office of the faith and by the effects of the initiatives taken by that religious organisation in essential sectors of social and political life, often came into conflict with it.¹⁰⁶ The question of the office seemed to be rather more inspired by plans for profit than fulfilling its own purpose as the tribunal

¹⁰¹ I refer to the works by L. Paolini, “Le finanze dell’inquisizione,” pp. 441–481; Rigon, *Frati Minori, inquisizione e comune a Padova*, pp. V–XXXVI; M. Benedetti, *Inquisitori lombardi del Duecento*. Preface by Adriano Prosperi, *Temi e testi* 66, (Rome, 2008), pp. 97–223.

¹⁰² Paolini, “Le finanze dell’inquisizione,” p. 473.

¹⁰³ *Ibid.*, p. 478.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*, p. 480.

¹⁰⁶ See for this aspect Rigon, *Frati Minori, inquisizione e comune*, pp. XX–XXIX; ID. *Frati Minori e società locali*, pp. 276–277; Bruschi, *Inquisizione francescana*, pp. 310–311.

of the faith.¹⁰⁷ The Dominican inquisitor, Lanfranco of Bergamo, active for 13 years (1292–1305) in Pavia, paid in 1295–1296 the Pope's *mercatores* in Milan a surplus of 108 (actually 100) florins; he made a deposit of money which looked very much like an interest-bearing loan with the members of the Pavian family of a heretic—a family whom he seems to be connected with. He himself granted loans to members of the Pavian aristocracy, to his own collaborators, to members of ecclesiastical institutions, and to municipal magistrates. He dealt in real-estate and horses taken from the confiscated properties of heretics.¹⁰⁸ In Padua during the same years, the sums of money obtained by selling off the land donated by a noblewoman to the Inquisition (in 1295) were partly deposited by the officials with traders at a 4 % rate. Other amounts of money coming from a variety of sources are placed with other traders with contractual stipulations of a *commendam* type which settled on the division of half of the profits and losses between the investor and the tradesman.¹⁰⁹ With the proceeds of the inquisitorial activity, churches were built, convents and orders were financed, the brethren, family and friends were promoted; they contributed in the attempts of ingratiating themselves with the public authorities and seeking their support.¹¹⁰ These operations took on deviant forms, to the extent that the Pope was forced to intervene a number of times, if only to put such lucrative activities under his own control.¹¹¹ However, from a strictly economic point of view, it is without doubt that the initiatives of the inquisitors injected considerable quantities of money into the financial circuits, making use of all “the possibilities which an economic system in evolution offered. This was more or less intermingled with the life of the convents and involved accepting, with no apparent scruples, the sharing in the risks and the

¹⁰⁷ See Paolini, “Le finanze dell’inquisizione,” pp. 441–481, in particular pp. 442–443, 471–476.

¹⁰⁸ See Benedetti, *Inquisitori lombardi*, pp. 153–178, in particular pp. 159–160, 168–174.

¹⁰⁹ Rigon, *Frati Minori, inquisizione e comune*, pp. XXX–XXXI.

¹¹⁰ This clearly transpires from the monographs cited in the preceding notes; for a detailed illustration, see the “*Liber contractuum*,” *passim*.

¹¹¹ Extensive inquests were launched in 1302 and 1308 in the Trevisian Marches and in Lombardy; in 1318 against the Dominican inquisitors in the provinces of Lombardy again, but also in the Genoese; other trials took place between 1344–1346 against the Franciscan inquisitors of Florence and against Peter of L'Aquila, minister of Tuscany and inquisitor; in 1346–1347 against Peter of Penna San Giovanni, inquisitor of the Marches of Ancona (Paolini, “Le finanze dell’inquisizione,” pp. 463–464, 477–481).

profits of trading activities, having recourse to advantageous loans” which, theoretically and under determined conditions, began to be considered legal.¹¹²

9. *Through the Crisis of the Fourteenth Century*

We should not however generalize by identifying the office of the faith with the conventual societies without making distinctions, though the latter, in many cases, were heavily involved in the trafficking and the abuse of power of the inquisitors. In places such as the kingdom of Sicily in which a different manner of administering the proceeds of confiscations was in place, there were no such abuses, or at least, no mention of these has come down to us. There proceeds were originally reserved for the treasury, which also took upon itself the costs of the Tribunal of faith.¹¹³ Usually, convents lived according to a domestic economy within a local and restricted orbit, and were subject to repercussions of circumstances connected to wars, calamities, alternating political situations and the social and circumstantial conditions of the place of residence.¹¹⁴ In general, it has been calculated that regular profits did not go beyond 15 % to 30 % of the overall income of the convents.¹¹⁵ Whilst beggary seemed to be waning in importance in the mendicants’ revenue, due to vast competition,¹¹⁶ usual expenses for food, clothing, services and all that pertains to the everyday life of a community often went beyond the revenues,

¹¹² Rigon, *Frati Minori, inquisizione e comune*, pp. XXXI–XXXII; for the legality of loans, in addition to the works of Todeschini and Langholm quoted a few times above, see, with reference to the theories of Peter John Olivi, the synthetic account of G.L. Potestà, *Maestri e dottrine nel XIII secolo* in *Francesco d’Assisi e il primo secolo di storia francescana* (cit. *supra* in note 30), p. 332.

¹¹³ See Paolini, “Le finanze dell’inquisitore,” pp. 471–472, who notes that “after the battle of Benevento (1268) Charles of Anjou established the inquisition but followed the model of public administration put in use by his brother Alfonso of Poitiers in the province of Toulouse: the confiscations and their proceeds were entirely paid into the treasury whilst the costs of the inquisitorial tribunal were entirely taken charge of by the royal administration. From 1290 Charles II of Anjou adopted the system of the tripartition with the exception of the feudal territories”.

¹¹⁴ See Chiffolleau, “Conclusions. Les convents, l’échange, la religion,” pp. 405–448.

¹¹⁵ Chiffolleau, “Conclusions,” in *Dans Economie et religion*, pp. 725, 730–731.

¹¹⁶ *Ibid.*, pp. 733–734; in addition: B. and L. Viallet, “La quête mendicante. Espace, pastorale, réseaux,” in *L’historien en quête d’espaces*, sous la direction de J.L. Fray et C. Perol, (Clermont Ferrand, 2004), pp. 347–369.

creating a deficit which was hard to cover.¹¹⁷ Also in the cases of big convents and important urban centres, mendicant communities seemed to lead a life limited to the sole consumption of goods, and at times, precariousness. The Dominican convent of Bologna in the fourteenth century essentially lived on the profits of the land which the brethren brought to fruition.¹¹⁸ In Padua, towards the end of the 1320s, due to the wars, it appeared that the Franciscan convent of St. Anthony was *maximis debitis obligatus*, to the extent that, granted some exaggeration, it was declared that the brethren would not be able "*ibidem commode vivere*."¹¹⁹ Debt, which befell the convents, can be considered as one aspect of the general crisis which hit the fourteenth century.¹²⁰ Furthermore, it represented a factor of transformation in the economic life of the mendicants, which was not only subject to general circumstantial oscillations across short periods of time, but was also sensitive to the "great movements of production, of prices, of salaries and ... demographic variations."¹²¹

With the increase of the *debita periculosa* and its tendency to become chronic, it became ever more pressing to take up administrative methods capable of guaranteeing a regular income and keeping uncertainty at bay.¹²² From the end of the fourteenth century, the mendicant communities, including the Franciscans, turned to traditional systems for the organization and administration of property.¹²³ Women's convents, very similar in structure and administration of goods with regards to those of the Benedictine and Cistercian nuns, were linked from the beginning with the male convents and could be taken as models and possible

¹¹⁷ See Chiffolleau, "Conclusions," in *Dans Economie et religion*, pp. 730–731.

¹¹⁸ See R. Giannini, "Vita quotidiana e osservanza della regola in un registro trecentesco di S. Domenico in Bologna," in *Miscellanea Gilles Gerard Meersseman*, I, Italia sacra 15, (Padua, 1970), pp. 313–341.

¹¹⁹ See A. Rigon, "I penitenti di san Francesco a Padova nel XIV e XV secolo," in *Il movimento francescano della penitenza* (cit. above in note 44), p. 292.

¹²⁰ But the phenomenon manifests itself already in the 13th century as we can see for example in the works of F. Cygler, "L'économie des frères prêcheurs dans la législation de l'ordre (XIII^e – début XIV^e siècle)," in *Leconomia dei conventi*, pp. 109–112; J. Cannon, "Sources for the Study of the Role of Art and Architecture within the Economy of the Mendicant Convents of Central Italy: A Preliminary Survey," *ibid.*, pp. 224–227.

¹²¹ See Chiffolleau, "Conclusions. Les convents, l'échange, le religion," p. 415.

¹²² *Ibid.*, p. 416 with reference to Cygler, "L'économie des frères prêcheurs," p. 109.

¹²³ Chiffolleau, "Conclusions. Les convents, l'échange, le religion," p. 416, and See Bartoli Langelì-Bustreo, "I documenti di contenuto economico," pp. 133–136 (for the documentary sources reflecting these changes).

points of reference.¹²⁴ At a different level, the changes in culture and mentality, related to the social transformations and devastating events such as the plague, encouraged the development of a greater sensitivity for questions regarding death and an ever-growing individual attention to the other-worldly destiny during the fourteenth century.¹²⁵ Mendicants benefited from an increasing demand—which they themselves stimulated through preaching and confession—for intercessory masses, funerary rites, and burials in their churches.¹²⁶ They received the corresponding returns from these services, also obtaining considerable amounts of money through donations and bequests for the salvation of the souls of the dead. Though they were not the only ones to profit from these activities—to which a large part of the regular and secular clergy devoted themselves—¹²⁷ it is certain that they held the first place with regards to the administration of the dead. In the late Middle-Ages, funerals and rites in honour of the dead held a central position in the economy of the convents.¹²⁸

These changes, on the one hand, opened wide the doors to classical regimes of property and pressed for the assimilation, through property, of the mendicants by the other orders. On the other hand, they threatened to transform the vocation. Between the fourteenth and fifteenth centuries, a new phase of protests commenced. This was marked by a return to rigorous observance and poverty as a style of life. The phe-

¹²⁴ Chiffolleau, “Conclusions. Les convents, l’échange, le religion,” p. 416, and in addition, Rigon, “Conflitti tra comuni e Ordini mendicanti,” pp. 346–350; see also above, the text corresponding to notes 40–42.

¹²⁵ On these matters, the bibliography is abundant. So as not to multiply citations, I refer to Chiffolleau, “Conclusions,” in *Dans Economie et religion*, pp. 721, 732, 742–744 and works indicated there; see in addition the recent book *La morte e i suoi riti in Italia tra Medioevo e prima età moderna*, edited by F. Salvestrini, G.M. Varanini, A. Zangarini, Centro di studi sulla civiltà nel tardo medioevo, San Miniato. Collana di studi e ricerche 11, (Florence, 2007).

¹²⁶ It is a well-known phenomenon; an interesting example regarding the church with a large Franciscan convent is St. Anthony of Padua, studied by G. Foladore, *Il racconto della vita e la memoria della morte nelle iscrizioni del corpus epigrafico della basilica di Sant’Antonio di Padova (secoli XIII–XV)*, Ph. Diss., specialization in history of Christianity, University of Padua, supervisors N. Giovè and A. Rigon, (Padua, 2009).

¹²⁷ Such is the case of the congregations of the clergy for which I refer to Rigon, *Clero e città*; Id., “Congregazioni del clero cittadino e storia della parrocchia nell’Italia settentrionale: il problema delle fonti,” in *La parrocchia nel Medio Evo. Economia, scambi, solidarietà.*, eds. A. Paravicini Bagliani and V. Pasche, Italia sacra 53, (Rome, 1995), pp. 3–25.

¹²⁸ See Chiffolleau, “Conclusion,” in *Dans Economie et religion*, p. 732.

nomenon, as is well-known, concerned all the regular orders,¹²⁹ but it was particularly relevant amongst the Minor brethren, from whom, at the economic level, the most promising innovations were to come.

10. *The Breach with the Past*

Between the end of the fourteenth century and the first decades of the fifteenth, the parabola of the Franciscan Observants followed trajectories which had in part already been pursued at the origins of the Franciscan movement. For example, trajectories which brought the settlements away from urban areas and far from human society (but not as an absolute alternative to the city) to the move into town and the integration into town society to which the Observants came to be linked. This linkage came through preaching, promotion of works of piety, and suggesting new cults and devotions.¹³⁰ In strict relation with the holders of power and the most dynamic of the city circles, the brethren of the Observance were particularly attentive to the economic activity of the tradesmen and to the problems which they created. Especially at the instigation of St. Bernardino of Siena, their preaching and reflections are also characterized by a specific attention given to questions of economic ethics, problems concerning property, possession, transferring of goods, questions relative to the appropriation of economic goods, and the dialectics of the marketplace.¹³¹ Herein the doctrines of Peter John Olivi returned to prominence.

¹²⁹ See on this point the important book *Reformbemühungen und Observanzbestrebungen im spätmittelalterlichen Ordenswesen*, ed. K. Elm, (Berlin, 1989).

¹³⁰ With reference to the Franciscans see *Il rinnovamento del francescanesimo: l'Osservanza*, Atti dell'XI convegno internazionale (Assisi, 20-21-22 October 1983), (Assisi, 1985); D. Nimmo, *Reform and Division in the Franciscan Order from Saint Francis to the Foundation of the Capuchins*, Bibliotheca seraphico capuccina 33, (Rome, 1987); with reference to regional situations, but with a general perspective, see also the works published in *Predicazione francescana e società veneta nel Quattrocento: committenza, ascolto, ricezione*. Atti del II convegno internazionale di studi francescani (Padua, 26-27-28 March 1987), in *Le Venezie francescane* n.s., 6 (1989/1).

¹³¹ On discussions of the Franciscans Observants turning on economic matters, see R. de Roover, *San Bernardino of Siena and Sant'Antonino of Florence: The two Great Economic Thinkers of the Middle Ages* (Boston, 1967); A. Spicciari, *Sant'Antonino, san Bernardino e Pier di Giovanni Olivi nel pensiero economico medievale*, in *Un'economia politica nel medioevo*, ed. O. Capitani, (Bologna, 1987), pp. 93-120; O. Capitani, *San Bernardino e l'etica economica*, *ibid.*, pp. 121-141.

Though he read and transcribed the works of Olivi, St. Bernardino never quoted him, but he copied out whole passages of Olivi's works, to the letter, in his *Sermons*. He thus handed down the contents of Olivi's doctrine which, through Bernardino, were received by the Dominican Archbishop of Florence, St. Antonino. In turn, St. Antonino's *Summa moralis* contributed (again with no explicit reference given, for Olivi was a forbidden author) to the diffusion of the ideas of Olivi in Tuscan and Italian society. These ideas included concepts regarding the right price and capital, the legality of loans with interest, and the professional position of the tradesman.¹³² The Olivian-Bernardinian line of thought was enriched by other contributions (in particular the doctrines of Duns Scotus) and developed according to the doublet of poverty and wealth. It found a concrete expression in the initiatives of the Franciscan brethren and in particular of Bernardino Tomitano of Feltre and is at the origin of the institution of pawnbrokers, the Monte de Pietà, in the second half of the fifteenth century, whose aim was to grant small loans to the needy in exchange for a personal object.¹³³ The birth of these institutions, which multiplied after the founding of the first Monte Pio in Perugia in 1462, constituted a crucial moment in the economic and social history of Europe. An original creation, capable of transforming charity-donation into charity-assistance, it was not, however, lacking in theoretical precedents. Rather, it represented a leap from theory to practice.¹³⁴ Conceived of by the Franciscan Observants, the Monti Pii showed the capacity of the brethren to become part of city life, having solutions to offer and taking

¹³² For the dependence of St. Bernardino of Siena and St. Antonino, bishop of Florence on the ideas of Peter John Olivi, who is often quoted to the letter, but cautiously not cited by name, as being the author of forbidden works, see in particular Spicciani, *Sant'Antonino*, pp. 97–99; in addition D. Pacetti, "Un trattato sulle usure e le restituzioni di Pietro di Giovanni Olivi falsamente attribuito a fr. Gerardo da Siena," in *Archivum Franciscanum historicum* 46, (1955), pp. 448–457.

¹³³ For an attentive presentation and discussion of the vast bibliography on Monti di Pietà until the 60s and 70s of the last century, see the survey carried out by M.G. Muzzarelli, "Un bilancio storiografico sui Monti di Pietà: 1956–1976," in *Rivista di storia della Chiesa in Italia* 33, (1979), pp. 165–183; a rather useful book of synthesis by the same author is *Il denaro e la salvezza. L'invenzione del Monte di Pietà*, Collana di storia dell'economia e del credito promossa dalla Fondazione del Monte di Bologna e Ravenna 10, (Bologna, 2001): in the fifth and last chapter (pp. 245–273) there can be found a new and up-to-date panorama of the historiography on the Monti Pii which I refer to.

¹³⁴ See Muzzarelli, *Il denaro e la salvezza*, pp. 245–250. On the set of economic theories and social practices which paved the way and enabled the passage to the concrete formation of the Monti Pii see R. de Roover, *Business, Banking and Economic Thought in Late Medieval and Early Modern Europe*, ed. J. Kirshner, (Chicago, 1974); Todeschini, *Il prezzo della salvezza*, in particular pp. 213–228.

on the problems of the weaker classes of that society with an innovative initiative with regards to credit. Their appearance broke the monopoly of private creditors and entered them into competition with the Jewish banks.

Historiography has traditionally brought forward this aspect, namely underlining how the creation of the Monti Pii aimed at fighting against the loans made by the Jews.¹³⁵ However, recent studies tend to re-evaluate the centrality of this motive, referring to a local case history which instead shows that the founding of the Monti Pii is not necessarily linked to the presence of Jews and, in any case, that the Monti Pii do not always appear to be an alternative to the Jewish banks.¹³⁶ Both would rather be experiments of good governance and of “governing well” over credit, insofar as the aim was to sustain the needs of small loans for marginalized social categories and their work initiatives.¹³⁷ The birth of the Monti di Pietà as a hybrid institution with a beneficiary side to it as well as a banking side, cannot be exclusively attributed to the desire to fight the usurious activities of the Jews but should also be understood as an awareness of the urgency to intervene in sustaining those in need of credit. It set in motion a service which anticipated money with interest while also capable of disregarding whether those in need be Christian or Jewish. And yet, it is true that with their preaching, the propaganda, their books, many of the friars sustained an anti-Jewish action in violent tones and with tragic consequences.¹³⁸ It is not a coincidence that, in a most recent book, an authoritative historian wonders whether the founding of the Monti di Pietà should be traced back to Franciscanism as a whole or rather be taken as the expression of one branch of Franciscanism, namely the Observance, which did not have the legitimacy, as such, to presume being absolutely representative.¹³⁹ In other words, the question

¹³⁵ For the developments of the historiographical debate on this crucial question, I refer to the survey carried out by Muzzarelli cited above in note 133; on the relations between mendicants and Jews see J. Cohen, *The Friars and the Jews. The Evolution of Medieval Antijudaism* (Ithaca, NY, 1986); on the thought and presence of Jews, innovative contributions have been made by G. Todeschini, “Teorie economiche francescane e presenza ebraica in Italia (1380–1462c),” in *Il rinnovamento del francescanesimo*, pp. 195–227; Id. *Usura ebraica e identità economica cristiana: la discussione medievale*, in *Storia d'Italia. Annali XI: Gli Ebrei in Italia*, I, (Turin, 1996), pp. 289–318.

¹³⁶ See Muzzarelli, *Il denaro e la salvezza*, pp. 246–247, 250–264.

¹³⁷ *Ibid.*, pp. 260–265.

¹³⁸ We are reminded of these by Merlo, *Nel nome di san Francesco*, pp. 356–361.

¹³⁹ The problem has been raised by Grado Giovanni Merlo in the book in preceding note p. 359.

is whether the Monti Pii which, in some cases, faced opposition also from members of other orders¹⁴⁰ can be considered the historic product of a project nurtured by a group of friars belonging to the Order of the Minor friars, a component of the overall identity of the Franciscan order and be defined as a Franciscan institution. What is certain is that they rapidly became municipal institutions far from the original positions of their creators; with a tendency to become governmental instruments, the Monte di Pietà represented an Italian specificity.¹⁴¹ There is equally no doubt that, in going from the level of ideas to that of concrete establishment of institutions destined to distribute credit for the sake of assistance, they brought about a breach with the past.¹⁴² But this breach only confirmed the capacity of the brethren to sense the profound demands of society and to perceive the needs and the expectations of men of their times. They proposed concrete solutions, even of an economic sort, to the problems raised by a world in transformation. In such a context, once again, towns were marked, even in their architectonic structure, by the initiatives of the members of mendicant orders: still today, the buildings, often monumental, of the Monti di Pietà, stand out in the urban structure of Italian cities, confirming the strong relation and reciprocal attraction which has endured with time.

Though seemingly incompatible at the level of their respective values, mendicant orders and urbanity ended up in fact meeting at an economic level by giving life to a dense network of exchange and interrelations, though not immediately and not without difficulty. Insofar as the rejection of property and ownership also signified the renunciation of landed goods and jurisdictions, as well as overcoming a political and socio-economic regime based on the possession of land and feudo-vassalistic relations, the path towards the encounter with the civic world and town economy, based on work, exchange, mobility of men, goods and services was opened. Sure enough, the principal element of that economy was money, rejected by the mendicants as an instrument of wealth and dominion. However, it still remained to be clarified what the means of living were for a community which was called upon to operate within an urban structure, all the while abstaining from property and economic goods. The minds of theologians and canonists took great pains over

¹⁴⁰ Muzzarelli, *Il denaro e la salvezza*, pp. 44–62, 145–187 and *passim*.

¹⁴¹ *Ibid.*, pp. 255, 258, 271.

¹⁴² See J.T. Noonan, *The Scholastic Analysis of Usury*, p. 294; Muzzarelli, *Il denaro e la salvezza*, pp. 153 and 258.

these questions. They engaged in an intense reflection on the relation between man and goods, the worth of money, the nature of commercial activities and of professional trade; on the kinds of contracts, on the right price of things and the legality of loans. Solutions which would be compatible with Christian ethics were sought for and found, so much so that in the fifteenth century, in some cases and for certain eminent people, there could be a full opening to the real concrete and human economic situations of Italian city life.¹⁴³ This is what the mendicant economic line of thought has bequeathed to modern times. It goes beyond the terminology and language with which to describe economic facts and arrives instead at the awareness that economy, which is aimed at the common good, cannot leave aside ethics for its own proper functioning. At the level of facts, notwithstanding the infinite number of deviations, acts of resistance and rifts, the mendicants kept an evangelical experience alive within the church, inspired by a choice of poverty and, in society, managed to indicate the way for a virtuous and productive use of money and of credit itself.

¹⁴³ See O. Capitani, "San Bernardino e l'etica economica," in *Una economia politica*, p. 137 who refers to the man himself and the works of the Sienese saint.

CHAPTER NINE

EFFECTS OF THE SPIRITUAL FRANCISCAN CONTROVERSY ON THE MENDICANT IDEAL

DAVID BURR

I. *Some Preliminary Definitions*

We should begin by offering preliminary definitions of three terms: “the spiritual Franciscan controversy,” “the community,” and “mendicancy.”

Used in its narrowest sense, “the spiritual Franciscan controversy” applies to the controversy that took place in southern France between leaders of the order and a small group of Franciscan zealots who came to be called “spirituals” (They were described as such in inquisitorial documents, by leaders of the order, and perhaps by the zealots themselves).¹ This quarrel involved the question of whether the Franciscan vow bound friars to limited use of goods or merely to own nothing; but it also involved the more concrete issue of what standards should prevail in Franciscan houses, what degree of poverty any friar should be expected to observe. How early the controversy began is hard to say, but it was obvious enough in 1290 for Pope Nicholas IV to order an investigation of the more exacting group, or at least of one faction within it.²

So far we have been speaking of southern France; yet by this point an analogous controversy was dividing Franciscans in Italy.³ In Italy the name “spirituals” was not widely used. The zealots were more likely to be called other things like *fraticelli*. Nor were the issues precisely the

¹ Collection Doat (hereafter CD), Bibliothèque Nationale, Paris, e.g. CD 27:11^r, 28:121^r. Other citations listed in David Burr, *The Spiritual Franciscans* (University Park, 2001), p. 347 n. 1. For a 1315–1316 disagreement as to whether the zealots referred to themselves as *fratres spirituales* see: Livarius Oliger, “Fr. Bertrandi de Turre processus contra spirituales Aquitaniae (1315) et Card. Jacobus de Columna littera defensoria spiiritualium provinciae (1316),” *Archivum Franciscanum Historicum* (hereafter AFH) 16 (1923), pp. 339, 341–342.

² See Burr, *The Spiritual Franciscans*, pp. 67–69.

³ For more on what is said in this paragraph see *ibid.*, chs. 5–6.

same. Nevertheless, even by the late 1270s there is evidence that the French and Italian zealots were in communication and saw one another as kindred spirits.

There is another sense in which people sometimes speak of the spiritual Franciscan controversy, one that takes a somewhat longer view. According to this scenario, the argument began in Francis' time and continued into the fourteenth century. The basic issue was whether Franciscans should stick to the pattern laid out by Francis himself or conform itself to the pattern of success accepted by the world at large. Viewed from this perspective, the quarrel described in the preceding paragraphs was simply one chapter in this larger controversy.

The problem with this more panoramic vision of the spiritual Franciscan controversy is that we have little evidence for it outside of Angelo Clareno's writings. Angelo has the so-called Leo sources to fall back on.⁴ They suggest that by the 1340s one or more of Francis' old companions thought a good part of the order was betraying Francis' original ideal. The difficulty here is that, despite Angelo's effort to take what little evidence exists for tension within the order before the 1270s and present it as evidence that there was a more or less homogenous zealot movement which argued for the same sort of Franciscanism and bewailed the same violations of it throughout the thirteenth and early fourteenth centuries, at the end of the day we have little reason to accept his word for it and some reason to consider the possibility that Angelo is simply projecting the discussion in his own day back on Franciscan history as a whole.

The question of what was going on before the 1270s is a valid one, but dealing with it would require more space than this discussion can spare. We will confine our attention to the later, better-documented period from the 1270s through the 1330s.

Modern historians have struggled with the problem of finding a good word for the rest of the order, everyone other than the zealots, and have settled on "the community"; but such a term homogenizes a very disparate group of people. Once we subtract the zealots, we are still left with a broad spectrum of behavior and opinion, with some Franciscans

⁴ On the Leo sources see especially Edith Pásztor, "Frate Leone Testimone di San Francesco," *Collectanea Franciscana* 50 (1980), 35–84; idem, "Il manoscritto Isidoriano 1/73 e gli scritti leonine su S. Francesco," in *Cultura e società nell'Italia medievale. Studi per Paolo Brezzi* (Rome, 1988), 2:635–663. There are other, scattered indications of dispute concerning poverty before the 1270s, which I discuss in *The Spiritual Franciscans*, ch. 2.

behaving badly, others pursuing a vocation that would have pleased Francis himself, and a wide variety of activity between these extremes.

When we ask ourselves what voices we are hearing when we hear the arguments of those who opposed the zealots, we will probably recognize that we are listening to something like the power elite of the order, a group which would include many of the eminent theologians, lectors, inquisitors, provincial ministers and ministers general. Thus in the following I have preferred to be specific, referring not to “the community” but to “leaders of the order,” always assuming that the name extends beyond minister general and provincial ministers to others in positions of authority. Even so, we must recognize that some of the power elite supported the zealots.⁵

This word “mendicancy” seems easy to define, but it could be seen in several ways. At the narrow end of the definition we have “mendicancy” as begging. At the wide end, we have “mendicancy” as shorthand for that life characteristic of the mendicant orders, or in this case one of them, the Franciscans. Thus the question is how the controversy affected the Franciscan sense of itself. Here we will look at mendicancy in the wide sense, asking in what way the spiritual Franciscan protest challenged the order’s view of what it meant to be a Franciscan.

II. *The Origins of the Spiritual Franciscan Controversy*

The Spiritual Franciscan Movement in Languedoc

At some moment in the 1270s, a bright young Franciscan scholar named Petrus Iohannis Olivi put his Paris education to use by beginning a series of *quaestiones* on evangelical perfection. Slightly before August 1279 he arrived at questions eight and nine. The former asked whether the state of the highest poverty was better than wealth, and the latter investigated whether *usus pauper*, limited use of goods, was an integral part of the Franciscan vow.⁶ The answer in both cases was “yes.”

⁵ Petrus Iohannis Olivi and Raymond Geoffroi are both considered to have been zealots, yet Olivi was a lector and Raymond was a minister general.

⁶ On the *Quaestiones de perfectione evangelica* see David Burr, *Olivi and Franciscan Poverty* (Philadelphia, 1979), pp. 43–47. Question eight is edited by Johannes Schlageter in *Das Heil der Armen und das Verderben der Reichen* (Werl/Westfalen, 1989), and question nine by David Burr in *Quaestio de usu paupere and Tractatus de usu paupere* (Florence, 1992).

Unexceptionable as Olivi's position might seem, it excited opposition from his colleagues. They acknowledged that a series of eminent voices including Bonaventure and Pope Nicholas III already had described Franciscan poverty as consisting of two elements, lack of possessions and using only what was necessary. What bothered them about Olivi was his insistence that *usus pauper* was an essential part of the vow, an honor they reserved for lack of possessions alone.⁷

Much as one might like to see in this debate a clash between someone who wanted to practice Franciscan poverty and others who preferred to live in luxury, the arguments each side advanced have less to do with practice than with theory. Those Olivi places in the mouths of his adversaries seem to suggest that they were quite willing to practice *usus pauper*. In fact, he quotes them as saying that, even if violation of *usus pauper* is not directly against the vow, "it is nevertheless against its intention (*contra mentem eius*)" and "the profession of poverty has little or no value without it."⁸ It is the relation of restricted use to the vow that is in question.

If Olivi's opponents thought so well of *usus pauper*, why did they refuse to see it as an essential part of the vow? Much of their opposition was predicated on their tendency to see vows as binding the vower to clearly definable behavior, and to see any deviation from that behavior as mortal sin. Lack of ownership was an absolute, like celibacy. Either one owned something or one didn't. Restricted use was a different matter. Where did one draw the line in a world of shifting circumstances? The Franciscan order was a big one, performing various roles in various contexts. Need varied with geography. And the order depended on its benefactors for support. Eating meant accepting what was given on the giver's terms, Quality control seemed pretty much out of the friars' hands. If they vowed to observe *usus pauper*, the result would be constant anxiety as to whether they actually were observing it.

Olivi solved this problem with his notion that some vows (like lack of ownership) are determinate and others (like *usus pauper*) indeterminate. In the former case the requirements are always the same and clearly defined, while in the latter they vary with circumstances. For example,

⁷ Our sources for their side of the argument at its earliest stage are Olivi's writings. On his reliability see Burr, *Olivi and Franciscan Poverty*, pp. 66–67. Later we have the documents relating to his 1283 censure, and much later the polemical literature generated during the great debate of 1309–1312.

⁸ *Ibid.*, p. 80; Olivi, *De usu paupere*, pp. 131–132. Even here, though, it is hard to decide whether he is accusing them of high living or merely deceptive argumentation.

in the case of *usus pauper* necessity might dictate having only enough food for the present in some cases, while in other cases it might entail stocking up for the year. Bread is commonly available and thus need not be stored for the future, while legumes are donated less often and thus there is nothing wrong with storing them for a few months. In the case of determinate vows, one either fulfills them or one does not. In the case of indeterminate vows, there can be diverse grades of obedience. Imperfect obedience can be considered a venial sin and becomes mortal only at the point where, all things considered, one's behavior should be described as *usus dives* rather than *usus pauper*.

Olivi's willingness to live with indeterminacy is seen also in his reply to his critics' objection that friars do not explicitly vow not to refrain from eating good bread, living in a beautiful house, etc., in short, that they are not explicitly bound by precept to specific acts of restricted use as they are bound to lack of ownership. In essence, he responds that one does not pursue *usus pauper* by vowing to do or not to do a series of specific things. What the friar really vows is to pursue the evangelical life practiced by Christ and his disciples. *Usus pauper* is essentially "that use which, all circumstances considered, is more consonant with the poverty and condition of Christ than with the condition of the rich."

Thus the documents at our disposal suggest that the dispute began as a theoretical argument about the nature of the Franciscan vow, not an argument over whether the Franciscans were practicing the poverty they had vowed. At this stage, Olivi certainly indulged in criticism of certain practices within the order and occasionally questioned his opponents' motives, but he did surprisingly little of either. Nor does he strike one as overly critical of Franciscan development from Francis' time to his own. He recognized that the order had changed remarkably, partly as a result of taking on new duties; yet on the whole he seemed at peace with these changes. He was willing to accept the idea of Franciscan bishops, inquisitors, or scholars and assumed the legitimacy of the Franciscan house as he knew it, a substantial complex within the town containing a church, dormitory, refectory and garden. He portrayed himself as generally in line with Bonaventure, both in what he accepted and in what he criticized; and he had good reason to think so.

Leaders of the order disagreed. Olivi was censured in 1283 and removed from his teaching position. It is worth noting, however, that he was considered in need of correction on a broad spectrum of philosophical and theological topics, not just Franciscan poverty. Moreover, he was rehabilitated and teaching again by the end of 1287.

However little allusion to actual practice in the order one finds in the debate up to 1283, by the early 1290s we see evidence that an argument concerning practice was underway. It resulted in leaders of the order being told by Nicholas IV (the first Franciscan pope) to rein in a zealot faction that had emerged in southern France, a group that, in the words of a later source, "seemed to introduce schism into the province of Provence, condemning the state of the other brethren and considering themselves to be more spiritual than the others."⁹ Members of this group were disciplined in 1292.¹⁰ Olivi does not seem to have been included in the punishment, although those who were seem to have been recognized as his followers and in the battles to come polemicists did their best to identify him with the censure.

From here on, as leaders of church and order became sensitized to the presence of a faction at odds with the compromises leaders had made over the decades, compromises that had tempered the original Franciscan poverty in order to allow performance of the many functions Franciscans were now expected to execute, the leaders were increasingly tempted to foreshorten debate by suppressing dissent. This temptation was felt at the highest levels. During the 1290s, first Nicholas IV and then Boniface VIII encouraged the order to punish its fractious zealots. The zealots' only respite during that decade was during the reign of the four-month pope, Celestine V (1294).

The effect of all this on Olivi's psyche can be discerned in his last great work, his commentary on Revelation.¹¹ In it he describes his contemporary world as one in which "practically the whole church from head to foot is corrupted and thrown into disorder and turned, as it were, into a new Babylon."¹² The decay takes a variety of forms representing different symptoms of the same basic malady: a carnality that pervades the church. The important thing for our purposes is that these symptoms include ecclesiastical corruption at the highest levels, the denial that *usus pauper* is an essential part of the Franciscan vow, and a precipitous decline

⁹ *Chronica XXIV generalium*, in *Analecta Franciscana* (Quaracchi, 1885–1941), 3:429–422.

¹⁰ For the sources see Burr, *Olivi and Franciscan Poverty*, p. 129 n. 15.

¹¹ The only critical edition is still Warren Lewis, "Peter John Olivi: Prophet of the Year 2000," doctoral dissertation, Tübingen University, 1972 (designated hereafter as *Lectura*). A critical edition is being prepared for publication by Lewis. For a study of Olivi's commentary, see Burr, *Olivi's Peaceable Kingdom* (Philadelphia, 1993).

¹² *Lectura*, p. 52.

in its actual observance. Francis and his rule represent the birth of a new, third age of world history, that of the Holy Spirit, but it will be actualized only after undergoing a great deal of opposition and even persecution from leaders of the order and from the pope.

After Olivi's death in 1298, things in southern France got worse, much worse. At the Franciscan general chapter meeting of 1299, Olivi's teachings were condemned and anyone using his books was declared excommunicate. His writings were collected and burned. A determined effort was launched to dissolve "the sect of Brother Peter John."¹³ Visitors were sent to Olivi's province and investigation led to extensive disciplinary action.¹⁴ Boniface VIII played an active role in the repression, which continued until another pope, Clement V, intervened and called for an investigation of the dispute.

Angelo Clareno and the Ancona Zealots

During the years when Olivi and the southern French zealots were being disciplined, a different sort of problem was brewing in Italy. We get the story largely from Angelo Clareno,¹⁵ who tells us that in 1274 a rumor spread through the province of Ancona. It claimed that the pope and the council of Lyons were about to make the Franciscans accept property. The result was a debate as to whether Franciscans should obey such a decision. In the process, the discussion went beyond the question of obedience and touched upon whether the order was already

¹³ Leo Amoròs, "Series condemnationum et processuum contra doctrinam et sequaces Petri Ioannis Olivi," AFH 24 (1931), pp. 504–505; Raimundus de Fronciacho, *Sol ortus*, in Heinrich Denifle and Ehrle Franz, *Archiv für Literatur- und Kirchengeschichte des Mittelalters* (Berlin, 1885–1900), 3:15–16.

¹⁴ A formula of abjuration forced on all brothers in the province seems to have contained three items. One involved renouncing the idea that *usus pauper* was part of the vow. Raimundus de Fronciacho, *Sol ortus*, 17.

¹⁵ The main source here is Angelo's *Liber chronicarum sive tribulationum ordinis minorum*, ed. Giovanni Boccali (Assisi, 1999), also edited as *Historia septem tribulationum ordinis minorum*, ed. Orietta Rossini (Rome, 1999). I will cite the Boccali edition. There is an English translation, *A Chronicle or History of the Seven Tribulations of the Order of Brothers Minor*, trans. David Burr and E. Randolph Daniel (St. Bonaventure, 2005). The best book on Angelo is Gian Luca Potestà, *Angelo Clareno*, (Rome, 1990). Lydia von Auw, *Angelo Clareno et les spirituals italiens*, (Rome, 1979) also contains valuable material. Felice Accrocca has written a number of extremely valuable articles and has produced excellent introductory essays on Angelo's chronicle and rule commentary in Angelo's *Liber chronicarum sive tribulationum ordinis minorum* and *Expositio super regulam fratrum minorum*, the latter edited by Giovanni Boccali (Santa Maria degli Angeli, 1995).

violating Francis' intent, having strayed from the purity of the original Franciscan life. Some, including Angelo, said it was and were eventually imprisoned.

In 1289 Raymond Geoffroi, the only minister general in this period to be genuinely sympathetic toward zealot factions in the order, was elected.¹⁶ In 1290, in the process of touring the entire order, he arrived in Ancona and discovered Angelo and his colleagues, still in prison. Raymond ordered them released and sent them to Armenia in response to a request for friars to serve as missionaries. When the group eventually became a target of hostility on the part of other friars in the east and they returned to Italy around 1294, Raymond Geoffroi sent them to the new pope, Celestine V, who removed them from obedience to the Franciscans and allowed them to form a new order, the Poor Hermits of Pope Celestine, which would observe the Franciscan rule.¹⁷

Unfortunately Celestine resigned after only four months and Boniface VIII became pope. Angelo and his associates were again exposed to the hostility of their Franciscan superiors and eventually to the pope's as well. The legitimacy of the new pope was challenged by various groups and Boniface seems to have suspected that Angelo's group also doubted it. Angelo and others fled to Greece, where they stayed until Boniface's death in 1303. After that they began to filter back into Italy. Angelo arrived in time to travel to Avignon in 1309, where he had a ringside seat for the debate Clement V arranged between Franciscan zealots and leaders of the order. While there he enjoyed the protection of Cardinal Giacomo Colonna.

Here we have a story almost completely separate from Olivi's, moving on separate tracks from the drama unfolding in southern France. Angelo knew about Olivi and accepted his view of *usus pauper*, although he was hazy about Olivi's biography and, despite his own apocalyptic tendencies, had little interest in Olivi's particular apocalyptic scenario.

Ubertino da Casale

By that time another important Italian Franciscan zealot had emerged in the person of Ubertino da Casale. In 1273, a year before the dispute in

¹⁶ On Raymond see especially Pierre Péano, "Raymond Geoffroi ministre général et défenseur des Spirituels," *Picenum Seraphicum* 11 (1974), 190–203.

¹⁷ On Celestine's pontificate and its aftermath see Peter Herde, *Cölestin V* (Stuttgart, 1981).

Ancona, Ubertino entered the order. At some point he studied at Paris but entertained grave doubts as to whether he had profited from it. As far as he was concerned, the most valuable part of his education came through his familiarity with a series of contemplatives, many of them important female mystics like Margaret of Cortona, Angela of Foligno and Clare of Montefalco. In 1287 at Florence he met Olivi, who had been sent there as lector to the Franciscans at Santa Croce. Ubertino says Olivi "introduced me to the high perfections of the soul of the beloved Jesus and his most beloved mother and to the profundities of scripture and deep matters concerning the third age of the world and renewal of the Christian life."¹⁸

That reference to the third age is significant. Ubertino's *Arbor vitae*, written in 1304, adopted the general scheme of Olivi's apocalyptic thought but adapted it in ways that sharpened his critique of the contemporary church, identifying the mystical Antichrist (whom Olivi expected in the near future) with the two most recent popes, Boniface VIII and Benedict XI.¹⁹ Like Olivi, he saw opposition to Franciscan poverty as a major characteristic of the apocalyptic struggle he felt he was witnessing.

At some point after writing the *Arbor vitae*, Ubertino entered the service of Cardinal Napoleone Orsini and, around 1309, followed his protector to Avignon, where he became the most prolific apologist for the Franciscan zealots in the great debate that unfolded at that time.

III. *The Great Debate and The Council of Vienne*

By 1309, Pope Clement V had decided that the controversy between zealots and leaders of the order had to be settled, and he was aware that it could be dealt with only by hearing what each side had to say.²⁰ Thus he asked both sides to state their views on four issues: 1) Whether the spirituals had been infected by the heretical sect of the *spiritus libertatis*, a movement that particularly frightened the hierarchy at that

¹⁸ Ubertino da Casale, *Arbor vitae crucifixae Jesu* (Torino, 1961, reprint of Venice, 1485 edition), p. 4. For a good study of Ubertino see Gian Luca Potestà, *Storia ed escatologia in Ubertino da Casale* (Milan, 1980).

¹⁹ *Arbor vitae*, 461–463.

²⁰ The leaders were engaged in persecuting the zealots, but the latter had influential supporters, including cardinals. For the whole debate and its conclusion see Burr, *Spiritual Franciscans*, chs. 5–6.

time;²¹ 2) whether the rule and *Exiit qui seminat* were being observed properly within the order; 3) Olivi's orthodoxy; and 4) the persecution in southern France. They did, and at great length, so we have an excellent set of sources to consider.

One Voice in the Debate: Raymond Geoffroi

We hear one voice representing the southern French zealots, the former minister general Raymond Geoffroi, whose contribution was brief and surprisingly mild. One of the questions posed by Clement was whether the rule was being observed by the order. Raymond replied that it was, though with many impurities in the matter of poverty. The problem, he said, lay with some people's notion that *usus pauper* was not a substantive part of the vow. In the process of arguing this view, Raymond endorsed the Olivian idea of indeterminate precepts.

His moderation is striking. Despite having lived through a decade in which French zealots were subjected to persecution, Raymond felt that the order, though damaged by some disappointing failures to live up to its potential, was still largely on track.

A Second Voice: Ubertino da Casale

All other extant statements on the part of the zealots are from a single author, Ubertino da Casale.²² As we would expect, Ubertino endorses the Olivian view of *usus pauper* as a substantial part of the vow; but, unlike Olivi, he offers a very explicit portrait of what he sees as an order in decline. There has been a striking change in where the Franciscans live and what they wish to do. Francis wanted the brothers' to live outside settled areas so that they could have peace and solitude, but he wanted them close enough to the cities so that the brothers could preach there (provided they had the bishop's permission). He wanted the friars' churches to be small, plain, and for their own use, not for the laity.

²¹ On the *spiritus libertatis* see Livarius Oliger, *De secta spiritus libertatis in Umbria saec. XIV* (Rome, 1943); Robert Lerner, *The Heresy of the Free Spirit in the Later Middle Ages* (Berkeley, 1972); Romana Guarnieri, "Il Movimento del libero spirito," *Archivio italiano per la storia della pietà* 4 (1965), 351–708.

²² For an extensive treatment of Ubertino's critique see Burr, *The Spiritual Franciscans*, ch. 5.

Now the friars want to have houses and churches right in the center of town, in the high-rent district, where they can preach to the laity, hear their confessions, bury their dead, and get written into their wills. The result is friction with the secular clergy, arguments over land and burial rights, territorial disputes with other orders, and fraternization with women. When they build, they want a garden, a cemetery, a church and a big cloister in a part of town where rich burgesses can hardly afford to live. Attracting the laity involves filling their churches with expensive paintings, chalices, thuribles and the like. All this is financed by alms that should go to feed the poor.

Ubertino says a great deal about finances. He reveals that some houses enjoy regular incomes; some make a tidy sum from selling agricultural income as well as various items donated to them; and some send friars out to collect monetary contributions, their only concession to the rule being that their servants rather than they themselves handle the money.

Viewed from one perspective, Ubertino's critique is in the grand tradition insofar as predecessors like Bonaventure, Pecham and Olivi attacked such abuses; yet Ubertino goes well beyond any of them in showing how the various abuses fit together into a recognizable *Gestalt* that the Franciscans can leave behind only if they are willing to disentangle themselves from some of the very activities that integrate them into the surrounding urban culture, giving them status and power within that context. In Ubertino we see the basic elements of a shrewd economic and social analysis. Aspiring families can place a son in the Franciscan order, where they will be treated in accordance with their rank, sent off to Paris for an education, then returned to their native area where, as guardians or lectors, they can advance the family's interests as well as their own. Ubertino's comments make sense of a phenomenon like Santa Croce in Florence.

When did the fall occur? Ubertino suggests that a precipitate decline has occurred since Bonaventure's generalate. This view of the matter allows him to marshal Bonaventure and Pecham in support of his position; yet he also sees Francis' era through the eyes of the Leo sources, and that gives him a sense that the tension between two different aims for the order goes back to Francis' time.

Can the order be reformed? In order to do that, the friars would have to seek a different kind of leadership. As things stand, they are ruled by leaders cut from the same cloth as those who exercise secular power in the cities and ecclesiastical power in the church, people who measure success in worldly terms. In order to reform, the friars would also have to seek a different educational model than the one currently offered by the Parisian

schools, a system that makes young Franciscans skillful at debating sterile philosophical issues while destroying their piety. Friars would have to stop living in the cities, building big churches, and competing with the secular clergy as well as other orders for confessions and burials, returning instead to the original pattern as Ubertino understands it. They would have to stop enlisting the pope in their power struggles and asking for papal privileges.

Ubertino recognizes that a huge segment of the order, having been enlisted to take part in the very enterprise he sees as a corruption of the Franciscan mission, will hardly be willing to take part in his reform program. The logical conclusion is that the pope should turn the order over to those who *are* willing and let the others form their own order.

A Third Voice: Angelo Clareno

Besides Raymond Geoffroi and Ubertino da Casale there was a third, relatively quiet zealot voice speaking at Vienne: Angelo Clareno. Raymond represented the voice of Olivi and the French zealots, whose reforming zeal was of a relatively moderate sort. He presented the pope with the image of an order that was basically sound but needed some reform, an order that lived in the cities, was integrated into them, and did good work in them. Ubertino offered a different picture, that of a serious decline that could be arrested only by drastically shrinking the order and changing its lifestyle.

Angelo sought yet another outcome. He was still hoping to find a pope who would endorse the Poor Hermits of Pope Celestine as a legitimate order. There is little evidence as to how Angelo saw the order around 1312, since almost all of his letters were written after Vienne and his other two major works, the chronicle and commentary on the Franciscan rule, were penned in the 1320s; but we certainly know how he saw the order in the 1320s. Like Ubertino, he viewed Franciscan history through the spectacles provided by the Leo sources, but even more so. He felt that the order always had been divided into two different factions who wanted different things. Francis had predicted that the battle would continue. So had any number of prophetic voices between Francis and Angelo. One side would seek to make the order a success in worldly terms, while the other would be essentially eremitical and contemplative. The eremitical, contemplative group—the legitimately Franciscan element, according to Angelo—would be persecuted by the big, worldly group with its Paris educations, its huge churches, dormitories and refectories,

its papal privileges, and its heavy involvement in urban life. Eventually, though, the truly Franciscan element would triumph, not by reforming the Franciscan order as an institution but by leaving it to its own devices and practicing the rule independently. Like Ubertino, Angelo thought a division was inevitable, but in Angelo's scenario the big, urbanized faction would end up with the name, the buildings and the characteristic clothing while the true Franciscans went off to observe the rule under whatever name the pope should choose to grant them.

A Fourth, Inconsistent Voice: Leaders of the Order

There was a fourth voice heard in the debate, that of the Franciscan leaders, who offered an apologia for the order as it stood.²³ It was based squarely on the conviction that *usus pauper*, though valuable, was not an essential part of the vow. In general, their argument concerning *usus pauper* and the vow was not strikingly different than it had been in the late 1270s. Violation of a vow entails mortal sin, so the obligations incurred through a vow must be precisely definable, known to the vower, and capable of fulfillment by him. *Usus pauper* cannot qualify because differing needs and situations make it impossible to establish a secure boundary between observance and violation. Thus only poverty in the sense of renouncing ownership can be considered an essential part of the vow.

The whole argument can also be restated from the perspective of papal authority. Only those obligations from which the pope cannot dispense should be considered substantial parts of the vow. Lack of ownership qualifies in this respect but *usus pauper* does not, since the pope can legitimately allow or even order individual Franciscans to wear shoes, dress in fine clothes, or ride horses, all of which occurs when a Franciscan becomes a bishop.

Of course it was not that simple in 1279, nor was it that simple in 1312. The rule speaks of wearing vile clothing and tells Franciscans not to ride horses. The leaders concede that, even though the Franciscan does not actually vow such things, he is bound to them *ex voto* in some sense, since he is bound *ex voto* to all that the rule presents as obligatory. They prefer to speak of such things as *usus pauperes*, "poor uses," and they recognize a special category for those *usus pauperes* specifically

²³ Here again, for an extended version of the following see Burr, *The Spiritual Franciscans*, chs. 5–6.

mentioned in the rule, but they insist on separating them from lack of ownership. Only the latter is vowed in such a way that violation of it automatically implies mortal sin, although the leaders acknowledge that mortal sin is incurred when one “notably exceeds” the specific prohibitions in the rule regarding *usus pauperes*. By acknowledging that mortal sin is incurred only in cases of gross violation, the leaders begin to recreate for themselves some of the same problems they claim to find in Olivi’s thought. Since they neglect to demarcate clearly the border between spiritual safety and mortal sin, they could be accused of fostering the same uncertainties and anxieties which Olivi’s opponents claimed were encouraged by his notion of indeterminate vows. Thus, in 1312 as in 1279, the differences were subtler than the contestants admitted or perhaps even allowed themselves to recognize.

Those *usus pauperes* not mentioned in the rule, such as restricted use in food, books or buildings, constitute another category. While not specifically enjoined, they are still demanded in some way. The expressions vary—*ex decentia status*, *ex quadam decentiae tentione*, *de condescencia status*, *ex bono et equo*—but the idea remains. As Nicholas III says in *Exiit qui seminat*, “There are some things to which a Franciscan is not bound by precept, but to which he is more obliged than other men by virtue of his status as a Franciscan.”

In any case, having declared that such *usus pauperes* are not an essential part of the vow, the leaders can treat them as governed by the statutes of the order and thus as subject to the decisions of the leaders themselves. They like to emphasize that, thanks to the statutes currently in place, the order is living more strictly than the rule actually demands. If there is great diversity in the degree of poverty imposed, that is because the leaders in their wisdom govern their subordinates’ behavior in keeping with a wide variety of needs and conditions

Beyond these general considerations, what we see in the debate is a tennis game of sorts in which Ubertino’s specific examples of Franciscan malfeasance are returned to him in the form of rebuttals. In some cases the leaders simply deny that the specific behavior is occurring. In other cases the idea is that special situations dictate special treatment. In still other cases the argument is that the Franciscans have a mission to perform and need latitude to accomplish it. For example, Ubertino complains that individual brothers are appropriating books as if they owned them. The leaders reply that if Franciscans are to preach and teach the truth instead of fables, they have to be intellectually prepared. Again, Ubertino complains that the order is accruing a series of big,

expensive churches with elaborate art and liturgical paraphernalia. The leaders respond that they have strong regulations on such matters and enforce them, but Ubertino must remember that the churches must be big enough to hold the crowds who want to hear Franciscan preaching. Moreover, the laity assemble more willingly and worship more devoutly in beautiful churches. In some cases the leaders have little control over what is being done. The basilica of Saint Anthony in Padua was the work of a devout laity, while the basilica of Saint Francis in Assisi was built on the pope's orders. And in the final analysis all Franciscan buildings—churches, dormitories, refectories, etc.—belong to the pope, so Franciscans can hardly assert themselves and begin tearing them down.

And so it goes. Between them, Ubertino and the leaders go a long way toward illuminating the series of interrelationships that produce a Franciscan complex like Santa Croce. The long-standing pastoral relationship between Franciscans and the laity who hear their homilies and seek their spiritual advice eventuates in a request for burial, which in turn involves a bequest in the layman's will, at times a substantial one aimed at construction of a new chapel where the layman can be buried. But what if the heirs refuse to pay? The Franciscan response as described by Ubertino is normally, "We'll see you in court."

Ubertino considers that response damning, but it is, in fact, largely the appropriate response as far as the leaders are concerned. The striking thing about the way they reply to such criticisms is their willingness to agree that much of the behavior described by Ubertino does in fact take place. They simply argue that it is justified by the legal fictions underlying the decision of a theoretically poor and powerless order to play a social role that involves exercising power. Perhaps "legal fictions" is too strong a term. Even Ubertino, like Olivi before him, refuses to challenge the need for intermediaries to handle the process through which the friars are sustained by the faithful. After all, providing for a substantial Franciscan house in the middle of a vibrant city requires considerable economic, legal and political sophistication. Ubertino is happy to see this task placed in the hands of agents designated by the pope or the laity. He simply feels that the Franciscans should have no control over such agents. Being poor should entail being economically and legally powerless.

The leaders have their own way of claiming radical powerlessness and dependency. Property bequeathed to the order is really owned by the pope, so it is his property the intermediaries are defending. The proper procedure has been outlined by the pope and the order is simply following it. Thus in criticizing the order Ubertino is defying the pope.

So it all goes back to the pope, papal privileges, and papal plans for the order. Franciscan leaders are aware that, however odd the order as it exists in 1312 might have looked to Francis, it rests solidly on papal decisions. If the pope has assumed possession of those very buildings which the spirituals now denounce, he must have thought it right for Franciscans to occupy such buildings. Nor is it surprising that the pope should have approved bigger and better buildings now than the Franciscan inhabited in the 1220s, before the order took on new duties. Echoing Bonaventure, the leaders remark that the order mirrors the church as a whole in this respect. Its evolution over the decades is an indication of divine approval.

Such an argument packed substantial punch in the fourteenth century. Ubertino's reaction it proceeds on two levels. On the one hand, he denies that papal approval of the order confers a benediction upon every single thing the order is doing; but he also addresses the larger issue involved. The church, he says, is a single body, the members of which belong to various unchanging states. The apostles who vowed apostolic poverty did not at some later moment become rich, nor should the Franciscans be expected to turn into a different sort of order as the years pass. Here, however, Ubertino looks obliquely at his basic problem: he is on a collision course with papal authority. He knows the order has changed since Francis' day, but he thinks much of that change is a betrayal of Francis' intention as stated in the vow, rule and *Testament*; and he recognizes that to some extent the change has come about with papal approval. He occasionally tries to avoid confrontation with the pope by arguing that the offending papal privileges "were not imposed by the Roman pontiff but extorted from him," or by arguing that popes did not recognize how noxious such privileges were to the Franciscan state, nor did they foresee how these privileges would be abused; but this is to excuse the pope by portraying him as weak, naïve or gullible.²⁴

A Fifth Voice: Clement V

Given such a variety of arguments, Clement V had a great many options to choose from, and in 1312, at the council of Vienne, in the decree *Exivi*

²⁴ Angelo Clareno does much the same thing in his chronicle, where the popes are portrayed as well-meaning but periodically prejudiced against Francis' true disciples by the lies of corrupt Franciscan leaders. Elias is presented as the first leader to use the tactic effectively.

de paradiso,²⁵ he gave his verdict. He agreed with the zealots that the order really was in need of reform but, in pointed disagreement with Ubertino, he refused to accept that papal interference in the life of the order through privileges, protection and interpretations of the rule had contributed to relaxation in the Franciscan order. He also disagreed with Ubertino's opinion that the order could be saved only by dividing it. (He may have been less sure about Angelo's project, as we will see.)

In some very basic ways, *Exivi de paradiso* grows out of the debate that preceded it. Like everyone else, Clement attacks the problem by addressing the question of whether *usus pauper* is an essential part of the vow. Tempted though modern scholars might be to dismiss this aspect of the debate as a meaningless argument over words, less important than concrete issues like buildings or clothing, it was the question everyone felt had to be answered in order to talk sensibly about buildings or clothing.

Clement, like other popes before him, accepts as axiomatic that a vow must bind one only to those things that can be precisely determined; yet, also like his papal predecessors, he feels that the Franciscan vow should prescribe not only lack of ownership but specific ways of living. To say this much does not mean he is throwing his lot in with Olivi, since by 1312 the leaders had modified their position to include a three-tiered approach in which 1) lack of ownership and not *usus pauper* was considered an essential part of the vow, but 2) Franciscans were bound *ex voto* to those *usus pauperes* specifically mentioned in the rule and 3) by their status as Franciscans they were more bound than others to other *usus pauperes* not mentioned in the rule. The real difference here becomes apparent when we ask what it would cost a Franciscan not to honor such obligations. The first category, containing only lack of ownership, involved something that could not be suspended by papal dispensation, and violation of it invariably involved mortal sin. The second category involved mortal sin only if one "notably" violated it.

Clement refuses to go along with Olivi's view that a Franciscan vows *usus pauper* in all its forms, but he is also uncomfortable with the leaders' three-tiered approach. He argues instead for a two-tiered view which collapses the leaders' first and second tiers into a single category. The vow binds Franciscans to the three general obligations of poverty, chastity and obedience, but also to everything in the rule that modifies those three obligations. All obligations are not equal, however. The rule contains a

²⁵ In *Corpus iuris canonici*, 2:1193–1200.

great many imperatives, and the way they are stated is important. In cases where the rule uses the word “precept” or an equivalent, violation involves mortal sin. In cases where it does not, violation is a venial sin. That is, in fact, what Nicholas III had said in 1279 in *Exiit qui seminat*, and it left Franciscans with the problem of deciding just what those equivalent expressions were. Clement recognizes the problem and proceeds to offer a list.

Thus the position that Clement offers in 1312 is essentially the traditional papal position. It has its problems. In the first place, Clement enlisted the services of a fourteen-man commission to advise him in preparing the list of equivalent expressions. It submitted a list that diverges from the one Clement presents in *Exivi*, and the commission’s list includes dissenting opinions within the group itself. Nor is there only a little dispute. When we consider that dissent is reported on nearly one third of the demands presented by the commission as precepts, then add to that the fact that violation of these precepts is considered a mortal sin, we emerge with a viewpoint that might be expected to engender deep spiritual anxiety.

Moreover, even if we forget the commission and concentrate on Clement’s list, assuming that it magically includes precisely those “equivalent expressions” that should be read as precepts, we are still left with the fact that it does not (indeed, cannot) specify the precise degree of poverty to be observed in each case. Clement thinks the friars are bound by precept to wear vile clothing. How vile should it be, then? There is no way any list could account for all the contingencies one would have to consider in deciding what constitutes vileness for a particular person in a particular place at a particular moment, so the friars are still left awash in uncertainty. That is the point leaders of the order had been trying to make since 1279. Olivi’s notion of indeterminate obligation offered an adequate response to it. Clement’s does not, because he proceeds from the same assumption accepted by the Franciscan leaders, namely that a vow must bind one only to those things that can be precisely determined. That is the assumption Olivi had rejected.

Or perhaps Clement does offer a response to the problem. He tells the friars to obey their superiors, who will determine how vile the clothing should be in the light of local conditions. The general idea seems to be that one should accept vile clothing as a precept of the rule because the pope says it is such, and one should observe the degree of vileness ordained by one’s superior because it was ordained by one’s superior. Thus the emphasis shifts from poverty to obedience.

IV. *The Development of a Zealot Counternarrative*

This emphasis on authority can hardly be considered new, and the pope had reason to imagine it would appeal to Franciscans. Throughout the thirteenth century the Franciscan order had looked to the pope for interpretations of what it meant to be a friar. Francis himself had emphasized that he was eager to obey papal commands and, once he resigned leadership, the commands of his superiors within the order. The Franciscan emphasis on humility, on *minoritas*, suggested that a high premium should be placed on obedience.

The problem was that a powerful counter-narrative had been developing among precisely those groups that were complaining in 1312.

Olivi on the Dangers of Obedience

Olivi did not really disobey anyone as far as we know, but he discusses the subject at length in several of his questions on evangelical perfection.²⁶ There he announces that one should never obey an order that clearly involves sinning. For Olivi, that includes not only mortal but venial sin. Nor should one obey if doing so would endanger one's own salvation, or if obedience would compromise the purity of evangelical perfection.²⁷ Nor is a papal command exempt from this stricture. If it involves violation of an evangelical vow, it should not be obeyed.

None of this was exactly Olivi's invention. The rule itself says that a superior should not be obeyed if he commands something harmful to the subordinate's soul or contrary to the rule itself, and earlier interpreters of the rule tend to expand what is included in these categories rather than restrict it. Nor do they hesitate to include the pope in the discussion. Hugh of Digne explicitly states that the pope has no right to dispense from an evangelical vow, and Bonaventure, while refusing to make an assertion, argues the matter in such a way as to suggest that he agrees with Hugh.

Yet there is a difference in Olivi's treatment of the problem. He is not simply concerned about whether a minister general or pope should be obeyed if he orders violation of an evangelical vow, but rather about

²⁶ For a longer version of this discussion see Burr, *Olivi and Franciscan Poverty*, ch. 7.

²⁷ If there is reasonable doubt as to whether the action is sinful, the command should be obeyed, but the doubt must be rational and not the result of willful ignorance.

whether he should be obeyed *when* he does so. He warns in his Apocalypse commentary that the pope and Franciscan leaders will be on the side of the mystical Antichrist—indeed, the pope will perhaps *be* the mystical Antichrist—and the small group of spiritual men loyal to Francis' ideal will have to flee or face persecution. These events are written into the apocalyptic timetable, and not all that far in the future, either.²⁸

If this had been a private whim on Olivi's part it would have made little difference, but immediately after his death Olivi was venerated as a saint and his tomb at Narbonne became a pilgrimage site where miracles were reported. His Revelation commentary was translated into the vernacular and in Languedoc, among those who venerated his memory, it came to be used as a Rosetta stone in the interpretation of current events.

Thus the Olivi legacy was a troubling one. By extending the vow to include *usus pauper* as well as lack of ownership, he raised the stakes in the ongoing debate over how the Franciscans should live. True, popes and even leaders of the order were willing to agree to the extent of acknowledging specific *usus pauperes* written into the rule, and the pope had relieved the order from the task of wrestling with them by listing these *usus pauperes* and telling Franciscans that, when it came to observing them, all they had to do was obey their superiors. But Olivi was saying something more complicated and, to the leaders, more dangerous. He saw the Franciscan as vowing to observe not explicit *usus pauperes* but the gospel as a whole. He recognized that doing so was difficult and friars would normally fall short. Their observance would be accomplished with a generous admixture of venial sin; but they would be guilty of mortal sin only if their shortcomings became so great that their behavior was more like *usus dives* than *usus pauper*. Olivi granted that the boundary between the two was not clearly delineated, but he was confident that, if a friar made an honest attempt to stay on the right side of it, he would be all right.

Nevertheless, the friar could not simply fall back on obedience, trusting the pope and his Franciscan superiors to say what or how much should be done. Here we see a second element in Olivi's stance that was likely to cause problems, his fear that in the coming apocalyptic trials leaders of the church and order would be on the side of Antichrist. God's people would have to rely directly on Christ for guidance.

²⁸ The fullest discussion of Olivi's apocalyptic timetable is in Burr, *Olivi's Peaceable Kingdom*, ch. 7.

The Critical Transition from Clement V to John XXII

If things had worked out as Clement V hoped, much of the problem might have been avoided or, more likely, delayed.²⁹ He designated houses where the Languedoc zealots could observe the rule as they wished and insisted that the order provide them with sympathetic superiors. Unfortunately Clement died in 1314, the old leaders returned, and the zealots, forced back on their own devices, took over the houses at Narbonne and Béziers by force. Under zealot leadership and sympathetic lay protection, these became safe houses for other fugitive zealots.

All of this had been done in the interim between Clement's death and the election of John XXII in 1316. Thus the zealots at Narbonne and Béziers could argue that they were not disobeying the pope. It was leaders of the order who had disobeyed by reinstating the old leaders Clement said should be removed and persecuting the zealots. The leaders in turn could argue that the zealots had disobeyed by failing to comply with Clement's order that the friars should obey their superiors.

Once John XXII was elected, he treated the whole controversy as a discipline problem. He sided with the leaders, summoned the zealots to Avignon in 1317, ordered submission to himself and to Franciscan leaders, and turned those who refused over to the inquisitor. In 1318, four who continued their defiance were burned at the stake.

John may have assumed that would settle it, but it did not. Many who had complied with the papal order now became fugitives, partly as a matter of conscience and partly because they had the feeling they were in for a hard time from the order in any case. Once they did so, a number of their lay supporters were willing to hide them.³⁰ During the decade that followed, over one hundred spiritual Franciscans and their lay followers died at the stake.

Nor was Languedoc the only area ready for defiance. Before the Council of Vienne was over, zealots in Tuscany already had sought relief through rebellion, seizing control of three houses and eventually escaping

²⁹ Clement's remedy, as we will see, treated some of the symptoms rather than the malady itself, and not even all of the symptoms. The situation in southern France was specifically addressed but that in Italy largely ignored.

³⁰ Modern historians normally refer to these lay supporters as *beguins*. They are not to be confused with the *beguines* of northern Europe, nor were they all necessarily third order Franciscans (though many were). For the spirituals of Languedoc and their lay supporters see Burr, *Spiritual Franciscans*, chs. 10 and 11, and, more recently Louisa Burnham, *So Great a Light, So Great a Smoke* (Ithaca, 2008).

to Sicily, where they were protected by King Frederick III. Frederick held out for several years against papal pressure to expel them. When he finally acquiesced, a number of them filtered back into central Italy.³¹

Angelo Clareno and his Colleagues: Strategic Withdrawal

Nor were the Tuscan rebels the only friars in central Italy who escaped the control of Franciscan leaders. Angelo Clareno and his colleagues had spent around a decade in prison because they insisted on arguing with their leaders in the province of Ancona. In 1294 the same group, now the Poor Hermits of Pope Celestine, had fled to Greece rather than submit to Boniface VIII. When they returned after Boniface's death, some of them settled into eremitical life and Angelo, now in Avignon, stayed in touch with them. Indeed, he became their spiritual director, and his correspondence with them makes up the largest part of his extant correspondence. His chronicle (at least in its final version) and rule commentary were also probably written for their benefit.

It is no easy matter to determine just who these people were. Some were certainly veterans of the Greek sojourn, but in time new recruits were undoubtedly added. They observed the Franciscan rule but seem to have had little contact with the Franciscan hierarchy. Angelo's correspondence with them stretched over a period of close to three decades, with a great deal occurring along the way. During Clement VII's papacy we see Angelo hopeful about papal recognition of the Poor Hermits, then less so, then finally, during the papacy of John XXII, we see him arrive at a point where he expects nothing of any value to come from the pope and is exploring other possible ways in which he and his group can observe the rule of Saint Francis. At that point he had little reason to stay in Avignon. In 1318 he returned to Italy, where he settled at Subiaco under the protection of the Benedictine abbot there.

Angelo's writings from the 1320s on, including his chronicle, represent his reaction to a constantly evolving situation. Not only had John XXII refused to recognize the Poor Hermits and demanded that the zealots accede to their superiors when they sanctioned practices the zealots considered in blatant contravention of the rule, but by the 1320s the pope was

³¹ For relevant documents see Heinrich Finke, *Acta aragonensia* (Berlin, 1908); Anna Maria Ini, "nuovi documenti sugli spirituali di Toscana," *AFH* 66 (1973), 305–377. For an overview see Burr, *Spiritual Franciscans*, 161–167. Clifford Backman, *Decline and Fall of Medieval Sicily* (Cambridge, 1995), ch. 5 explains the situation in Sicily at that time.

engaged in an examination of Franciscan poverty in the sense of lack of possessions, an investigation which resulted in his 1322 announcement that the Franciscans owned property, followed in 1323 by his announcement that it was heretical to say Christ did not own anything either privately or in common.³²

Thus Angelo's letters, his chronicle and his rule commentary reflect an evolution in his view of the situation, and any effort to present a static view of his thought will inevitably represent a distortion. Nonetheless, that is what we must do here; and indeed, there are a few things that seem noticeable whatever part of his career we examine. First of all, despite the fact that, in two letters written years apart, Angelo castigated the Tuscan rebels for their contempt of duly-constituted authority,³³ his view of obedience was in some ways remarkably similar to theirs. Like the Tuscan rebels, Angelo acknowledged papal authority; but like the Tuscan rebels, he read Francis' *Testament* as forbidding the Franciscans to engage in any struggle for power with the secular clergy and especially forbidding them to seek papal support in such struggles. Angelo and the Tuscan rebels both deduce from all this that friars must obey a superior—be he guardian, provincial minister, minister general or pope—in all things not damaging to the soul or contrary to the rule, but if any superior orders something that contravenes these limits, then, as the Tuscan rebels tell Frederick III, "to disobey is to be truly obedient to God and to the rule,"³⁴ or, as Angelo says in his rule commentary (quoting Bernard of Clairvaux), "we do not need to obey those who command us to do evil things, especially when, in submitting to evil commands through which you seem to be obeying a man, you show yourself clearly disobedient to God."³⁵

Nor was the duty to disobey merely theoretical for either Angelo or the Tuscan rebels. They felt they had arrived at a point where the demands of their superiors seriously conflicted with the demands of the Franciscan vow.

³² *Ad conditores canonum* (December 1322) and *Cum inter nonnullos* (November 1323), in *Johannes XXII, Extravagantes Iohannis XXII*, ed. Jacqueline Tarrant (Vatican City, 1983), pp. 228–254 and 255–257.

³³ Angelo Clareno, *Opera: I. Epistole*, (Rome, 1980), letters 25 and 59.

³⁴ Their petition to Frederick III is in Finke, *Acta*, 2:661–666.

³⁵ Angelo, *Expositio*, 10:45. Angelo, still quoting Bernard (*Epistolae*, 7, in PL 182:95), adds that "it is extremely perverse to claim that you are obedient in a situation where you know you are sacrificing a superior obedience in favor of an inferior one, that is, a divine one in favor of a human one."

Eremitical and Urban Zealots

Little as we know of Olivi's life at Narbonne in the 1290s, we can piece together from his writings and from what we know of those Franciscans who revered his memory in the years following his death a picture of what he thought Franciscans should be doing in the period prior to Antichrist's onslaught. What we see is friars living in town in a Franciscan house complete with a garden where they could restore their souls after a day of conducting their ministry to the citizens of Narbonne. That ministry included serving as preachers, spiritual advisers and confessors. They practiced *usus pauper* to a greater degree than other Franciscans, a poverty marked by their distinctive garments and their refusal to store of wheat in granaries or wine in cellars; but in general they were comfortable with the idea of an urban ministry.

Angelo's apocalyptic view of Franciscan history is similar to Olivi's in the sense that he too sees the Franciscan ideal under assault and looks forward to a new era when Christ will redeem it. He is quite different, however, in imagining an early Christianity in which the gospel life was passed from Christ and his disciples to the apostles, then to early Greek monasticism and the desert fathers. The important ingredient here was Angelo's stay in Greece, where he learned Greek and discovered the Greek fathers, especially Basil the Great. In his rule commentary Angelo pictures a monastic tradition which, having run from Christ to Greek monasticism and the desert fathers, was interrupted by the new rules of Augustine and Benedict but revived in the thirteenth century when Christ founded the Franciscan order.³⁶ Thus the Franciscan movement is essentially a reform movement restoring a monastic life based on the gospel.

Two things follow from this view. First, Angelo sees the Franciscan life as the antithesis of a life lived in the city. Angelo's eremitical leanings are necessarily balanced against his recognition that, according to early Franciscan sources, the friars are called to interact with the world through preaching, caring for lepers, and the like; but it certainly rules out the sort of accommodation to urban life he sees as having transformed the order.³⁷

³⁶ See especially *Expositio.*, 1:71–93 and 6:326–328.

³⁷ See *Expositio*, 1:285, which links Franciscan decline with the abandoning of their "poor, solitary places in the countryside" and relocation in the cities; or 1:292, which

Second, as Angelo's rule commentary demonstrates, his attempt to link the Franciscans with early Greek monasticism and the desert fathers encourages him to place heavy emphasis on *usus pauper* and substantially less on lack of ownership. He does not deny that the Franciscan vow demands lack of ownership, but to the extent that he emphasizes a continuity with early monasticism he finds himself speaking of a monastic life characterized by contemplation and asceticism, with little time spent agonizing over theoretical matters like who owns what.

A quiet resistance by small groups scattered throughout the mountains of central Italy had a much better chance of surviving than an urban one by spiritual Franciscans and laity in Languedoc.³⁸ The inquisitors did eventually conduct processes against some of Angelo's colleagues in the mid-1330s. Angelo himself felt required to leave Subiaco and enter the kingdom of Naples, where he died in 1337; yet by that point the inquisitorial campaign against the zealots in Languedoc had run for close to two decades and largely abated.

V. Impact on the Franciscan Order

Any scholar who writes about Franciscan history between 1279 and the 1330s is likely to devote a great deal of space to the zealots; yet they were a minuscule part of the order. The Tuscan rebels and Languedocian spirituals combined may have added up to around two hundred friars. It is hard to say how large Angelo Clareno's group was, but there could not have been many of them. The overwhelming majority of the order were neither Languedocian spirituals, Tuscan rebels or Clarenian hermits, but the major impact of the poverty controversy was on them. They too were headed for trouble with John XXII. Their battle with the zealots had set the scene for it and done nothing to prepare them for it when it arrived. Franciscan leaders had to deal with something resembling a public relations problem. There is no way of telling how many important ecclesiastics and secular rulers sympathized with the zealots, but we know

predicts that the persecuted friars who attempt to follow the rule will be constrained "to seek deserted, solitary places, or go among the infidels, or, dispersed in secular clothing, lead a wandering life, or hide among the faithful, or suffer punishment and death accompanied by innumerable calumnies and accusations."

³⁸ Survival of zealot groups in Italy was also favored by Ludwig the Bavarian's activity there until 1330, which impeded the pope's activity.

that some did, including some cardinals, and one suspects that a great many more thought there was something inherently odd about arguing that, while lack of ownership was an essential part of the Franciscan vow, restricted use was not. The whole thing sounded devious and played into the stereotypical notion of the hypocritical friar cultivated for comedic purposes by authors like Boccaccio and Chaucer.

Beyond that, there was the fact that the Franciscans had been bickering with the secular clerics, the Dominicans and one another for decades, and the running battle within the order distracted them from their attempt to maintain leverage in their external struggles. For decades the Franciscans had irritated Dominicans with their ambitious—in fact, arrogant—claims that they represented the highest poverty, the highest religion, the life adopted by Christ and his apostles, etc., and that Francis was a thirteenth-century *alter Christus*. Donald Prudlo's book on Dominican promotion of Peter Martyr's cult shows how, in a period when Franciscans were tied up in domestic disputes, a Dominican saint could make substantial inroads into what the Franciscans had tried to stake out as their territory.³⁹ With Peter Martyr's arrival, there was a new *alter Christus* on the block.

Moreover, Franciscan disputes with seculars and Dominicans had called for periodical intervention by the papacy. When the bickering escalated to genuine rebellion within the order itself, such intervention became practically inevitable. The Franciscan leaders asked for papal support, just as the zealots did. Receiving it meant handing their fate over the papacy. All in all, it would have been better to keep things running smoothly and give the impression of self-sufficiency. It attracts less attention.

Much the quarreling over the preceding decades—whether with seculars, Dominicans or zealots—had included argument over the sort of poverty Franciscans claimed to vow. All of this meant that, once John XXII had intervened to settle what he saw as a discipline problem within the Franciscan order, it seemed logical to him that he should go on to take a good look at the larger poverty issue, meaning in effect the larger claims Franciscans had been making about their own (and Christ's) poverty. It also meant that, when he did so, he could expect a sympathetic non-Franciscan audience.

³⁹ Donald Prudlo, *The Martyred Inquisitor: The Life and Cult of Peter of Verona* († 1252) (Aldershot, 2008).

How sympathetic the audience within the order might be is another matter. We know that leaders of the order were upset by John XXII's revision of the Franciscan self-understanding in the early 1320s, upset enough in fact for the minister general, Michael of Cesena, to escape from Avignon and accept the protection of the pope's enemy Ludwig the Bavarian when John announced that the papacy did not own all the property used by the order and that it was heretical to say that Christ had no property; but one wonders how much difference it really made to most friars, who continued to do pretty much what they been doing before.⁴⁰ John's decisions concerning the zealots and then about Franciscan poverty were hardly crucial to those Franciscans who, even if they were not manning any barricades for the zealots, were nonetheless anxious to pursue lives in harmony with the Franciscan ideal. And there were many such in the order. For them, the central issue was not whether the friars owned or didn't own property. Nor was it the precise connection between *usus pauper* and the Franciscan vow. It was whether *usus pauper* lay at the heart of the Franciscan life they envisaged when they joined the order, and many decided that it did. Many of them, too, thought reform was necessary. Such a conclusion was hardly the exclusive property of the zealots.

The nature of that reform would be shaped by what had occurred between 1279 and the 1320s. Due to the growing sense of the zealots as a disruptive element in the order, leaders had come to argue the necessity of *usus pauperes* in such a way as to link it with obedience to superiors. Indeed, some of those who argued against *usus pauper* as an essential part of the vow in the great debate leading up to *Exivi de paradiso* contended that whatever need there was to practice restricted use rested on the vow of obedience, not that of poverty.⁴¹ Clement V, in *Exivi de paradiso*, recognized that the rule contained certain *usus pauperes* that had to be observed, but made sure to stipulate that it was up to the Franciscan superiors to regulate their concrete observance. Throughout the spiritual Franciscan controversy we detect a sense on the part of Franciscan leaders and popes alike that *usus pauper* had

⁴⁰ In fact, John's final position concerning the Franciscans and property is so unclear that historians still argue today over what he said. Patrick Nold, *Pope John XXII and his Franciscan Cardinal* (Oxford, 2003), and Nold's forthcoming book, *Marriage Advice for a Pope* (awaiting publication by Brill), both serve to remind us that even within the Franciscan power elite many preferred working with John XXII to exile with Michael of Cesena.

⁴¹ See Burr, *Spiritual Franciscans*, ch. 5.

its perils. Accepting it as an essential requirement might force friars to follow their own consciences and choose to obey the rule rather than their superiors. By the time John XXII assumed office, that possibility had become actuality in several places. John did his best to deal with the dissenters, but it would be a long, slow process. It would take until the mid-fourteenth century for the spirituals and beguins of Languedoc to be obliterated, and the heirs of the various Italian zealot movements (as well as the heirs of those friars who followed Michael of Cesena into rebellion) continued their defiance into the fifteenth century.

On the other hand, the Franciscan order still had to ask itself whether the zealot critique ought to be taken seriously and, if so, what should be done about it. Even after John XXII had done his work, much of what the zealots had said lived on as a reforming ideal, but it could become absorbed into concrete institutions only when it made its peace with the realities of Franciscan life in the fourteenth century. One of those realities was that the thirteenth-century evolution of the order could not be reversed simply because it seemed inconsistent with Francis' intention as stated in the *Testament* and the Leo sources. The multi-faceted Franciscan operation at Santa Croce, with its intricate involvement in Florentine society, seemed valuable not only to Florentines but to friars as well.

Nevertheless, even if the urban involvement of the order was not likely to change into something else, that did not preclude reform in terms of a variation on the life pursued by Angelo's colleagues. A small group that wished to pursue the Franciscan calling more intensely could still go off and observe the rule strictly, as long as it had permission to do. Whatever the spiritual benefits to the participants might be, such activities might also have strategic value for the continuing Franciscan effort to counter unregulated enthusiasm. A group of orthodox, obedient zealots who did with ecclesiastical permission what the heterodox, disobedient zealots were currently doing with no permission at all might be worth taking a chance on.

That brings us to a second reality: Whatever reform might occur, it had to show itself respectful toward ecclesiastical authority, which had been sensitized to the dangers of spontaneity. If any group expected to observe a strict form of the rule, it would have to make its case to leaders of the order and hope they not only felt reassured but saw the advantages of granting permission.

All these conditions seem to have been met in 1334 when John of Valle requested and received from Guiral Ot, minister general of the order and hardly the sort of man one would have suspected of harboring a

deep commitment to reform, permission to settle with four colleagues at Brughiano, thus inaugurating what would eventually become the Observant movement.⁴²

⁴² On this part of the story see Duncan Nimmo, *Reform and Division in the Franciscan Order* (Rome, 1987).

CHAPTER TEN

THE HIDDEN LIFE OF THE FRIARS: THE MENDICANT ORDERS IN THE WORK OF WALTER HILTON, WILLIAM LANGLAND, GEOFFREY CHAUCER, AND THEIR LITERARY WORLD

PATRICIA R. BART

Any consideration of mendicant identity in literature must begin by setting the terms under which the discussion will take place, and this is a task for which much of the foundational work has only barely begun. In 1956, Beryl Smalley began work on her ground-breaking study of *The English Friars and Antiquity in the Early Fourteenth Century*. In order to carry it out, Smalley gained pre-publication access to what are now standard reference volumes such as A.B. Emden's *A Biographical Register of the University of Oxford to A.D. 1500* and Thomas Kaeppli's *Scriptores ordinis praedicatorum medii aevi*.¹ Since the mid-1950s, many more such works by and about mendicant writers both literary and theological have been brought into print, lowering if not fully eliminating at least one of the barriers to such study. The intervening years have also seen the content of some standard references such as the *Oxford Dictionary of National Biography* opened up to an electronic interface, allowing scholars single-handedly to assemble lists of writers constrained simultaneously by ranges of dates, places of birth and study, and known religious affiliations, all within minutes rather than over the course of heavily-funded months or years.² Nevertheless, now as in 1956, the phenomenon of mendicants and their relationship to British and European literature remains so pervasive as to overwhelm the bounds of any brief study and yet so elusive as to defy satisfying categorizations. Nevertheless, the lives and work of Walter Hilton, William Langland, and Geoffrey Chaucer,

¹ Beryl Smalley, *The English Friars and Antiquity in the Early Fourteenth Century* (Oxford, 1960), xi and 4; Alfred Brotherston Emden, *A Biographical Register of the University of Oxford to A.D. 1500*, 3 vols. (Oxford, 1957) (hereafter BRUO); Thomas Kaeppli, *Scriptores ordinis praedicatorum medii aevi*, 4 vols. (Rome, 1970–1993).

² Henry Colin Gray Matthew and Brian Howard Harrison, eds., in association with The British Academy, *Oxford Dictionary of National Biography: From the Earliest Times to the Year 2000*, 61 vols. (Oxford, 2004) (hereafter ODNB) and *Oxford Dictionary of National Biography Online* (Oxford, 2004–), <http://www.oxforddnb.com/>.

taken as case studies, afford ample evidence of the multifarious influence of the friars on both the British and the European scene, making it clear that a simple reading of the friars' involvement in the literary world according to an antifraternel hermeneutic—or even according to strictly literary categories—will inevitably be an inadequate reading that suppresses some of the strongest influences on the lives of medieval imaginative writers and their audiences.

*Walter Hilton's Life and Work as a Case
Study in Mendicant Literary Influence*

The case of Walter Hilton's religious and literary identity is illustrative of the subtleties and discontinuities in literary trends that emerge from the study of the mendicant relationship to literature—subtleties and discontinuities observed by Smalley, for example, in the failure of the English classicizing friars to produce a sustained literary tradition of their own, while at the same time managing with their writing and their preaching to prepare an audience for Geoffrey Chaucer.³ Hilton's life and work can also serve to draw attention to some of the blind spots that can be produced by specialization in national literatures and in the literatures of single languages when considering the work and the literary ethos of medieval authors.

Hilton was born c. 1340 in an England that was truly trilingual—not only at the highest clerical and courtly levels, in which people tended to speak either Anglo-Norman or Latin, or both, but also further down the social scale to men such as Chaucer, Gower, and Langland, each of whom worked in French, Latin, and English. Since the coming of the Norman hegemony, Anglo-Norman and Latin, though the customary province of the upper classes, had in fact been working their way into everyday English so thoroughly that terms such as *Paternoster* and *bewper* (*beaupère*) are impossible to classify in a strict way as Middle English, or Latin, or Anglo-Norman, without reference to the context in which they appear, and frequently even that context leaves some room for doubt.

³ Smalley, *English Friars and Antiquity*, 299–307. Smalley's "classicizing group," more commonly known as the "classicizing friars," are those who, flourishing in the early to middle 14th century, made frequent use of classical history and story in their preaching manuals and commentaries, yet without contributing directly to the enduring trend of Continental humanism. See Smalley's introduction, 1–8, for a detailed definition and history of the group.

Hilton's literate, trilingual culture, then, was one of constant flux and negotiation—one not unlike our own—in which the local and the familiar constantly intermingled with the foreign, while it appropriated a great deal of the foreign as its own.

Educated at Cambridge, Hilton, like many of his contemporaries, sensed a calling to religious life. Living in a time when the four great mendicant orders vied with the established monastic foundations over a very hotly contested claim to apostolic authenticity, he struggled to discern the fundamental principles on which that religious life should be based. This struggle led him to write a treatise on *The Mixed Life* and to part company with his friend, Adam Horsley, who chose the contemplative life of a Carthusian. Hilton encouraged Horsley in this choice, but rather than remain in secular life at Cambridge or take up the practice of civil law for which he was qualified, Hilton himself became first a hermit and then an Augustinian Canon, spending the remaining ten years of his life in Thurgarton Priory.

This turn of events would seem to place Hilton beyond the scope of the study of literary mendicants entirely, since the Canons were not mendicants. Nevertheless, a closer examination of the circumstances surrounding his education and literary production complicates the matter considerably. Lluís de Font, a Franciscan who was regent master in theology at Cambridge in Hilton's lifetime lent Hilton a work on perfection, possibly of Font's own composition, which Hilton translated. It is probable that Hilton was also the translator of the *Prickynge of Love* from the Latin *Stimulus amoris* of Giacomo da Milano, another Franciscan. These two works can hardly have failed to have an influence—and a strong one—on Hilton's thinking and religious discernment, and his translation work unarguably extended that influence to many others.

Hilton's own literary output, too, is no more categorically non-mendicant than is his program of translation, in that his *Scale of Perfection* was made available to a wider, Latin-reading European audience by a Carmelite translator, Thomas of Fylake, who had also been at Cambridge. Together with Hilton's treatise on *The Mixed Life*, the *Scale* was further popularized by the pioneer London printer, Wynkyn de Worde, heir to William Caxton, who printed the two together in 1494 and in three subsequent editions, showing that there was a ready audience for works on issues central to the mendicant tradition.⁴ A cursory

⁴ Helen L. Gardner, "The Text of the *Scale of Perfection*," *Medium Ævum* 5.1 (1936), 11. For brief accounts of Hilton's education and literary activities as well as further

examination of Walter Hilton's life and work, then, reveals a matrix—centered on Cambridge but tied to Europe—in which Carthusians, Franciscans, Carmelites, Augustinian Canons, and laymen all contributed materially to the development of a spiritual and literary culture. This matrix, moreover, is by no means unusual but rather is typical of the intellectual life of the time. In this intellectual-spiritual matrix, the pervasive presence of the friars in the universities had a strong but not ineluctable influence on the lives and thought of their students and fellow scholars—an influence which would still resound, as we have seen, in popular demand for Hilton's mendicant-influenced works more than 150 years later. A path had been taken by the mendicants and their literary heirs which led out of the cloister—both religious and academic—into the heart of the world, and they took the literary world with them.

In Hilton's case, this mendicant path had almost certainly moved him to consider apostolic activity in the world rather than in the Charterhouse. Had he lived before the advent of the mendicant orders in England, Hilton might still have become an Augustinian Canon—but it would have been much less likely because the Canons had moved from Cambridge to Barnwell, outside of Peterborough, within five years of their establishment in the area. The Canons' distance from Cambridge proper in the days before the advent of the friars would have made arguments for staying in the world while living some sort of *vita regularis* a much less prominent a feature—and certainly not a dominant feature—of Hilton's formal education.⁵ As it actually happened, the friars at Cambridge were most likely the fathers of Hilton's Augustinian vocation.

The Literary-Historical Crossroads

The nature of Hilton's work also points to another phenomenon in medieval literary life that is crucial to an understanding of the work of fictional writers such as William Langland and Geoffrey Chaucer—namely, a free-

bibliographic references, see J.P.H. Clark, "Walter Hilton," *ODNB*, 27:250a–251a, A.B. Emden, "Walter Hilton," *A Biographical Register of the University of Cambridge to 1500* (Cambridge, 1963), 305b–306b (hereafter *BRUC*), and Emden, "Lluis de Font (de Fontibus)," *BRUC*, 236a. A useful, more recent bibliography also appears in Walter Hilton, *The Scale of Perfection*, ed. Thomas H. Bestul, (Middle English Texts) n.n. (Kalamazoo, MI, 2000), 14–19.

⁵ David Knowles and R. Neville Hadcock, *Medieval Religious Houses: England and Wales* (London, 1971), 138–139.

handed mixing of imaginative and non-fictional genres that is now much less common. Just as there were no insuperable boundaries between mendicants, monks and canons in Hilton's life, so there was also no insuperable boundary between imaginative literature and devotional or edifying literature in Hilton's mendicant-influenced literary ethos. Genres such as sermon, *exemplum*, and devotional treatise form an integral part of such imaginative works as *Piers Plowman* and the *Canterbury Tales*, meaning that an acceptance of Hilton's non-fictional work as "literary" is by far the more medieval point of view—a point of view which in turn emphasizes the role of the mendicants in the production and dissemination of literary work in the later Middle English period, because the friars took full advantage in their preaching of the popular culture of verse, song and story to disseminate their theological and moral ideas. Taking an even wider view of the real conditions of medieval literary production and transmission, Hilton's works, in their relation to the mendicant ethos, should be seen as part of the heritage of Medieval Latin devotional literature, as well as part of the Franciscan and Carmelite literary heritage. Walter Hilton's life and the works that came of it cannot, indeed, rightly be excluded from the history of the University of Cambridge, of the English book trade, of the English and Latin languages, or of the Order of Friars Minor and the Carmelites, showing the interdependence of literary, linguistic, social, religious and economic histories.⁶ Evidence surrounding Hilton's works must not be excluded from the history of imaginative letters. Similar patterns to those in Hilton's case are clearly discernable in the lives and works of Langland and Chaucer, in which, as we shall see, a certain "preachiness" and a devotional tone are intended sometimes for

⁶ For expositions of and guides to mendicant literary activity see the following: for the Franciscans, *Medioevo latino* (Spoleto, 1979–), Luke Wadding, *Annales Minorum seu trium ordinum a S. Francisco institutorum*, 3rd ed., José Maria Ribeiro da Fonseca (Florence, 1931) and *Scriptores Ordinis Minorum* (1650; rpt. Rome, 1967) with Giovanni Giacinto Sbaraglia's *Supplementum et castigatio ad scriptores trium ordinum s. Francisci a Waddingo* 2nd ed. (Rome, 1908), the *Collectanea franciscana* (Rome, 1931–) and E. Frascadore and Herwig Ooms, *Bibliografia delle bibliografie Francescane* (Florence, 1965); for the Dominicans, the *Archivum Fratrum Praedicatorum* (Rome, 1931–) and Kaeppli, *Scriptores Ordinis Praedicatorum Medii Aevi* (Rome, 1970–1993); for the Carmelites, the *Analecta Ordinis Carmelitarum* (Rome, 1910–), *Carmelus*, containing the semi-annual *Bibliographia Carmelitana annualis* (Rome, 1954–) and Christine Jackson-Holzberg, *Zwei Literaturgeschichten des Karmelitenordens: Untersuchungen und kritische Edition* (Erlangen, 1981); and for the Augustinian Hermits, *Augustiniana* (Louvain, 1951–) and Adolar Zumkeller, *Manuskripte von Werken der Autoren des Augustiner-Eremitenordens in mitteleuropäischen Bibliotheken* (Cassiciacum) 20 (Würzburg, 1966).

comic effect, but also sometimes for edification, an edification in which the audience was clearly expected to participate, and even to participate avidly. The friars, by the popular style and the high-minded content of their public preaching, created an international yet vernacular literary world that softened the boundaries among genres which today would be seen as mutually exclusive and as antithetical to entertainment and to popular presentation.

An acceptance of and sensitivity to the pliability of medieval genres as well as to the frequently Pan-European influences hidden within what might otherwise seem to be provincial work are crucial to the study not only of the literature of the age, but also to the study of the other aspects of its history. Just as any study of mendicant involvement in literary life must be informed by a consideration of the hidden relationships between the orders, the authors, their influences, their literary heirs, and their audiences, it must also be informed by an acceptance of the impossibility of observing a strict definition of what is literary. This holds true when considering works now commonly thought of as “literary,” such as the *Divine Comedy* (an epic-adventure based on systematic theology, ancient myth, astronomy, biography and history), *Piers Plowman* (a dream-vision on history, morals, theology, and economics containing sermons and extended allegorical parables), or Chaucer’s Parson’s Tale (a straightforward discourse on moral theology translated from the work of Dominicans Raymond of Peñafort and William Peraldus) just as much as it holds true when studying Walter Hilton, Dame Julian of Norwich, Richard Rolle or Margery Kempe, because medieval works of devotion and edification are as likely to be imaginative as they are to be non-fictional. On a strict generic accounting, how much history would have to be evacuated from the *Divine Comedy* to make the work literary—or how much theology? How much theology and misogynistic lore would have to be removed from the Wife of Bath’s Prologue or the Nun’s Priest’s Tale—each of them an ingenious tapestry of learned allusion to Patristic texts and to allied works such as Macrobius’ *Commentary on the Dream of Scipio*?

Grappling with similar questions concerning the nature of the specific category of “Franciscan literature,” John V. Fleming points to the known but not frequently catalogued or analyzed life of mendicant texts as they passed from Latin into the vernaculars and sometimes back again, pointing out, for example, that the Franciscan Institute at Quaracchi had published a scholarly edition of the *Stimulus amoris* without situating that work within the history of its reception by the multi-lingual audience of

which Walter Hilton, as we have seen, was a member.⁷ The reasons for this latter-day phenomenon are simple and motivated not by a hostility toward vernacular and imaginative literature as much as by an intensive focus on the religious content of the work itself in relation to its author, to the exclusion of its audience. This is a perfectly legitimate limitation of scope for an editorial project, but it is one which incidentally obscures our sense of the strength and pervasiveness of mendicant literature and of the mendicant literary ethos. More recent surveys such as the indispensable ninth volume in *L'atelier du médiéviste—L'histoire des moines, chanoines et religieux au moyen âge: guide de recherche et documents*, published in 2003—tend even now to favor the Latin and the strictly ecclesial, theological, and historical over the vernacular and the imaginative, as does the *Typologie des sources du moyen âge occidental*.⁸

As a result, the student of literature wishing to examine the historical setting of a vernacular work by or about the friars—a student, that is who seeks to assess their influence and who hopes also to achieve a certain independence from the syntheses of others—will find a highly disorganized embarrassment of riches from which it is difficult to organize a coherent view of even a single work and its heritage, let alone of a range of authors and works, together with their interrelationships. For the same reasons, the problem is equally difficult for the historian wishing to examine the popularization of ideas—in this case of theological and ecclesiological ideas—in the high and late Middle Ages, if that popularization happens to appear in vernacular literature that has come to be categorized as “imaginative.”

The value of such research for the historian of the mendicant orders should not be under-estimated. Jean Leclercq, in a discussion of the genres typically employed by the monastic orders, shows how members of

⁷ John V. Fleming, *An Introduction to the Franciscan Literature of the Middle Ages* (Chicago, 1977), 6; Collegium sancti Bonaventurae, ed., *Stimulus amoris fr[atris] Jacobi Mediolanensis*, (Bibliotheca franciscana ascetica medii aevi) 4 (Quaracchi, 1905).

⁸ See André Vauchez and Cécile Caby, *L'histoire des moines, chanoines et religieux au moyen âge: guide de recherche et documents*, (*L'atelier du médiéviste*) 9 (Turnhout, 2003) and Léopold Genicot, *Typologie des sources du moyen âge occidental: table des fascicules 1–50* (Turnhout, 1992). One of the chapters of Vauchez & Caby, devoted to “Auteurs et genres littéraires,” contains a splendid summary of the history of monastic and mendicant activity in the world of letters, but lists for the most part not guides to “literary” work in the sense of imaginative literature, but rather *repertoria* of authors from the monastic and fraternal orders. These *repertoria*, in turn, cover mostly theological and historical works in Latin, with the occasional citation of the work of a major vernacular poet such as the Franciscan Iacopone da Todi.

these foundations wrote in genres suitable to and hence conditioned by their mostly cloistered audience, an audience dominated by those known to the author personally at the time of composition rather than, in the mendicant ethos, by a massive, unknown public seeking entertainment as much as edification, by a household or households of unknown brothers or brothers-to-be, or by a constantly unstable group of students, all or most of them studying in preparation to go forth and preach rather than to remain resident with the author until their death.⁹ Because a large portion of monastic literature was directed to such an intimate and stable audience, the occasional production of vernacular works with a powerful monastic background such as the *Queste del Saint Graal*, a chivalric romance of the Grail which may have been produced in order to encourage conversions to the cloistered life, and even the preservation in an earlier age of such a work as *Beowulf*, takes on a significance far different from that of the mendicant orders engaging in similar vernacular work, since in the monastic case, the use of vernacular popular culture would be unusual, whereas for the mendicants, it was not only the norm but also the imperative.¹⁰ Indeed, the shift from writing for a known and stable audience of intimates to writing for a lesser-known public that is seen between the monastic and mendicant periods parallels a similar shift in the audience for imaginative literature by laymen such as Langland and Chaucer. Each of them wrote with known audience members in mind—Chaucer certainly and Langland most probably—but each of them would see their work appropriated by a public audience that was presupposed by Hilton.

The mendicant panoply of genres, indeed, contained an array of new emphases aimed specifically at drawing, holding, and communicating effectively with lay audiences of mixed and unpredictable backgrounds. Particularly illustrative is the *lauda*, an extra-liturgical hymn form intended for performance by lay societies established specially for that purpose. The miniature genres of lyric and *exemplum* also became mendicant specialties, each of them providing a generic model for memorable imaginative meditations, suitable for use in preaching as the need might

⁹ Jean Leclercq, O.S.B., *The Love of Learning and the Desire for God: A Study of Monastic Culture*, trans. Catharine Misrahi (New York, 1982), 8.

¹⁰ See Pauline Matarasso, *The Redemption of Chivalry: A Study of the "Queste del Saint Graal,"* (Histoire des idées et critique littéraire) 180 (Geneva, 1979), Albert Pauphilet, *Études sur la Queste del Saint Graal attribuée à Gaultier Map* (Paris, 1921), and Étienne Gilson, "La mystique de la grace dans la *Queste del Saint Graal*," *Romania* 51 (1925), 321–347.

arise.¹¹ The very soul of the mendicant orders was the popularization in the vernacular of the faith that had been preserved by the monasteries in Latin. Indeed, the mendicant orders preceded Dante by a generation in relating matters of high seriousness in the vernacular, though Dante is commonly thought of as the great pioneer in Italian vernacular letters. They also preceded him in the imaginative description of Heaven and Hell, in the person of the Franciscan Giacomino da Verona, whose *De Jerusalem celesti* and *De Babilonia infernali* may have had a share with the theology of Thomas Aquinas in inspiring the *Divine Comedy*.¹² A large proportion of the lyrics in English produced during the early years of the mendicant orders in England also show, thematically, a great deal of Franciscan spirituality, meaning that the friars' influence was palpable in the production of this literature at a time when the English language was barely beginning to emerge from the long winter of the post-Conquest Anglo-Norman literary hegemony—placing the friars among the fathers of English as a literary language, well in advance of Hilton, Langland and Chaucer.¹³ Large collections of vernacular poetry in both English and Anglo-Norman are attributable directly to friars. One such is the Franciscan John of Grimestone, whose commonplace book contains not only a collection of verses and stories of the early followers of St. Francis, to

¹¹ Patrick S. Diehl's *The Medieval European Religious Lyric: An Ars Poetica* (Berkeley, 1985), 46–49, contains a capsule history of the *lauda* form and its variations, in which the Dominican and Franciscan Orders united with lay societies in fostering performances, thereby bringing a savor of cloistered monastic liturgical life into the vernacular *saeculum* while further fostering the spirituality of the *vita mixta* in lay life.

¹² See Frédéric Ozanam, *The Franciscan Poets in Italy of the Thirteenth Century*, trans. A.E. Nellen and N.C. Craig (London, 1914), 24–25 (hereafter Ozanam) and Ruggiero Stefanini, “Le tre mariofanie del *Paradiso*: XXIII.88–129; XXXI.115–142; XXXII.85–114,” *Italica* 68.3 (1991), 297–309. For an examination of the arguments for and against the Florentine Dominican Remigio de’ Girolami as a teacher of Dante and considerations of his education in mendicant *studia*, see three essays by Charles T. Davis: “An Early Florentine Political Theorist: Fra Remigio de’ Girolami,” *Proceedings of the American Philosophical Society* 104.6 (1960), 662–676, “Education in Dante’s Florence,” *Speculum* 40.3 (1965), 415–435 and “The Florentine ‘Studia’ and Dante’s ‘Library,’” *The Divine Comedy and the Encyclopedia of Arts and Sciences*, ed. Giuseppe di Scipio and Aldo Scaglione (Amsterdam, 1988). Opposing views appear in Emilio Panella, “Nuova cronologia remigiana,” *Archivum fratrum praedicatorum* 60 (1990), 145–311 and M. Michèle Mulcahey, “Education in Dante’s Florence Revisited: Remigio de’ Girolami and the Schools of Santa Maria Novella,” *Medieval Education* (Fordham Series in Medieval Studies) 4 (New York, 2005).

¹³ David Lyle Jeffrey’s *The Early English Lyric and Franciscan Spirituality* (Lincoln, NE, 1975) examines the specifically Franciscan qualities of much of the production in that genre, with Rosemary Woolf’s equally useful study, *The English Religious Lyric in the Middle Ages* (Oxford, 1968) making a survey of the history of the genre as a whole.

supply the needs of a roving preacher, but also an inscription bequeathing the book to another friar. The collection is, then, a monument of the dissemination of the mendicant literary ethos, of how it was fostered and of how it was spread.

The Mendicant Literary Ethos of Langland and Chaucer

Mendicant literary activity and influence was not limited, however, to the field of itinerant preaching, or to the English language, even in the England of Langland and Chaucer. Nicholas Bozon, for example, a French-speaking English Franciscan, wrote a collection of verse-sermons, intended for an Anglo-Norman audience, which partake of chivalric images of Christ—images which had frequently been invoked by St. Francis himself.¹⁴ These images in turn would later be echoed in the work of William Langland.¹⁵ Chaucer, too, wrote in a milieu suffused with mendicant influences which mirror the structure of his great collection of tales. It is frequently remarked that the *Canterbury Tales*, though not unique in having a frame narrative based on a fictional tale-telling audience, are nevertheless unique in having such an audience composed of a full range of social classes.¹⁶ Chaucer's *Canterbury Tales* form an anthology of stories, ranging from saints' lives, a sermon and edifying fables to extended learned jokes and the occasional raucous, bawdy and near-degenerate kind of satire known as *fabliau*, with all of these told by one

¹⁴ For references to studies of Franciscan chivalric and troubadour spirituality, see note 21 below.

¹⁵ For a discussion of John of Grimestone's commonplace book (Advocates 18.7.21) and selections from it, see Carleton Brown, *Religious Lyrics of the XIVth century*, 2nd rev. ed. G.V. Smithers (London, 1965), xvi–xix and 69–92. Woolf, *English Religious Lyric*, 20–34 and 373–376, sets Grimestone's collection into the broader context of other mendicant preaching collections such as the *Fasciculus morum*, and of monastic works. Siegfried Wenzel has written a series of studies of the role of the friars in the development of early English lyric, including *Verses in Sermons: 'Fasciculus Morum' and Its Middle English Poems* (Medieval Academy of America Publications) 87 (Cambridge, MA 1978), *Preachers, Poets, and the Early English Lyric* (Princeton, 1986) and "The Dominican Presence in Middle English Literature," *Christ Among the Medieval Dominicans: Representations of Christ in the Texts and Images of the Order of Preachers*, eds., Kent Emery and Joseph Wawrykow (South Bend, IN, 1998). For what is known of Nicholas Bozon's life, see Douglas Gray's article in the *ODNB*, 7:131b. Further references to Bozon's work appear both in Gray's article and below, in the discussion of Langland.

¹⁶ See Helen Cooper, *The Structure of the Canterbury Tales* (Athens, GA., 1983), chapter 1 and *The Canterbury Tales* (Oxford Guides to Chaucer) n.n. (Oxford, 1989), 8–9.

of the fictive twenty-nine pilgrims. The humor never ceases, but neither does the imperative, delivered by the Host, Harry Bailly, to edify the company of pilgrims with tales of *hye sentence*—tales with edifying substance to be found amidst the entertainment. Given the mendicant penchant for telling tales on the road—and even for carrying about and passing on manuscript collections of verses and tales, as seen in the Grimestone collection—the preaching of the friars and the random crowds that their preaching attracted would have been a circumambient, frequently encountered model for Chaucer even as a layman who, unlike Dante, Hilton or even Langland before him, seems to have had no formal ties to any of the four great orders.

For William Langland, as we shall see—or more exactly for the personified human Will of *Piers Plowman*—such an influence operates on a direct, personal level, in that the Dreamer, Will, who so frequently speaks with a most antifraternel voice, also describes himself as moving about “In habite as an heremite, vnholly of werkes”—that is, in the guise of one of those insincere mendicants who are part of the problem that the poem’s voice crying in the wilderness seeks to resolve—the relation of work and work’s due reward to holiness, and the relation of all three to the friars who have abjured the *labora* of the monastic foundations in order to live an apostolic life like that of the Seventy-two of the tenth chapter of Luke—by laboring in the heavenly, rather than in the earthly vineyard.¹⁷ The work of both Chaucer and Langland, then, like that of Walter Hilton, has an unaccountable mendicant element lying behind it, difficult to categorize, but nonetheless pervasive, reaching out to the Continent and forming, like the work of Walter Hilton, a matrix within which is inscribed a hidden literary history of the mendicant orders.

Indeed, since one of the chief imprecations against the mendicants was that they were impossible to categorize under the terms that had defined religious life before the time of their founding, it would not be wise to base a survey of mendicant identity in literature on too narrow

¹⁷ *Piers Plowman* B-text Prologue, line 3. This and most other citations of *Piers Plowman* have been taken from George Kane and E. Talbot Donaldson, *Piers Plowman: The B Version* (London, 1988) (hereafter *Piers B*). In addition, occasional references will be made to the two other states of *Piers Plowman*, known the A and C texts. These are also cited from the Athlone-University of California editions: George Kane, *Piers Plowman: The A Version* (London, 1988) (hereafter *Piers A*) and George Russell and George Kane, *Piers Plowman: The C Version* (London, 1997) (hereafter *Piers C*). Lawrence M. Clopper calls attention to the early arguments over the peculiarity of the Dreamer being depicted as a friar, from W.W. Skeat to Jean Jules Jusserand in “*Songes of Rechelesnesse*”: *Langland and the Franciscans* (Ann Arbor, MI, 1997), 26.

a geographic scope any more than on too strict a definition of who was a mendicant and what qualifies as literary.¹⁸ Mendicant engagement with and appearance in the literatures of medieval Europe is in its very nature just as multifarious and uncontainable as was their engagement with the world and with the apostolic life. Collections of *exempla* such as the *Summa praedicatorum* of the Dominican John Bromyard, for example, found their way into lay culture because it was in the very nature of the mendicant orders to engage the general public imagination in effective preaching and to engage the individual soul in the one-on-one relationship of confessor and penitent. The appearance of tales from Bromyard in such works of Chaucer as the Nun's Priest's, the Friar's and the Physician's Tales argues for the pervasiveness of the friars' preaching. And it argues for the penetration of their literary output into venues accessible to a wider public as well, because Chaucer's selections from the *Summa praedicatorum* are contiguous in the surviving manuscripts, suggesting that, although he may have heard one tale preached aloud, he may also then have consulted a written copy, thereby encountering the others in the order in which they have commonly been preserved.¹⁹ Here we see Chaucer in a position similar to Hilton's in that, although he was not himself a Dominican like Bromyard, he was, nevertheless, developing as a writer under the influence of a Dominican Order which was providing him the means for creating his idiom, an idiom which, like that of the friars themselves, was at once learned and highly allusive, earthy and humorous, delightful and instructive.

The mendicant use of imaginative literature was not, however, limited to chestnuts useful in preaching. The early mendicants wrote works and used language that was intended as much for an internal as for an external audience, which also appealed to popular literary modes and roles as a means of self-representation and self-understanding. Saint Francis of Assisi, for example, referred to his brothers as *ioculatores Dei* and even as knights of the Round Table.²⁰ Indeed, one of Francis' earliest followers,

¹⁸ For a succinct discussion of the general nature of those complaints against the friars that made their way into imaginative literature, see the introduction to Penn R. Szittyá, *The Antifraternal Tradition in Medieval Literature* (Princeton, 1986), especially 5–8, and the first chapter, 11–61, which deals in detail with the polemics of William of Saint-Amour. For a consideration of the specific issue of the friars' ambiguous position under the traditional definitions of regular apostolic life, see 46–47.

¹⁹ Cooper, *The Canterbury Tales*, 12.

²⁰ For brief considerations of the history of these forms of Franciscan self-identification, see Ozanam, 57–60; Franco Cardini, "L'avventura di un cavaliere di Cristo: Appunti per uno studio sulla cavalleria nella spiritualità di S. Francesco," *Studi francescani* 73

William of Lisciano, who began life as poet laureate of Frederick II, ended it as Brother Pacificus, the author of numerous religious poems and possibly even of the *Canticle of Brother Sun*.²¹ Works by the earliest antifraternial authors also have strong literary connections, in that they began as partisan theological tracts associated directly with events at the University of Paris, yet continued to resurface in the course of hundreds of years in what are commonly viewed as the more strictly literary works of Langland and Chaucer.

*Langland and Chaucer: The Antifraternial Tradition
in Medieval Literature and in Medieval Literary Studies*

Having considered the roles of the mendicants in the life and work of Walter Hilton, and in the general literary milieu of Langland and Chaucer, it remains to examine the role of the mendicants as they are characterized within works of imaginative literature by examining *Piers Plowman* and the *Canterbury Tales* more specifically. Did these men castigate or appreciate the friars? How does this relate to their presentation of friars as characters? To their use of mendicant authors as sources? Since each of these works runs to thousands of lines, consideration will be given only to those highlights which have been most discussed by scholars of the poems and to those points which best illustrate the range of satire directed at the mendicants and at other social groups. For those unfamiliar with the works, *Piers Plowman* appears in three successively more elaborate versions, referred to simply as the A, B and C texts. It is a dream vision related in the voice of Will, who in the course of many allegorical adventures emerges at first as something of a dissolute cleric, very possibly a mendicant, and later as the human will personified. The

(1974), 127–198 and “Aspetti ludici, scenici e spettacolari della predicazione francescana,” *Storia della città* 26–27 (1984), 53–61; Jeffrey, “Songes of Rechelesnesse,” chapter 5, “*Joculatores Dei* in England,” 169–230; Kurt Ruh, “Franziskus von Assisi und die Tafelrunder,” *Zeitschrift für deutsches Altertum und deutsche Literatur* 128.2 (1999), 194–197; Peter Loewen, “Francis the Musician and the Mission of the *Joculatores Domini* in the Medieval German Lands,” *Franciscan Studies* 60 (2002), 251–290. Penn R. Szittyá, in his article on “The Friar as False Apostle,” *Studies in Philology* 71 (1974), 19–46, offers a brief assessment of the very great depth to which Arthurian lore influenced the formation of the Franciscan Order, including the institution of its general chapter (28–30), and he provides there a capsule bibliography of the works such as the *Memoires of Friar Leon* and the *Legenda antiqua* which bear the primary evidence of it (29 note 18).

²¹ Ozanam, 122–125.

Canterbury Tales comprise a collection of stories, each of which is fictively told by one of twenty-nine pilgrims who are on a spring pilgrimage to Canterbury. Chaucer appears among the pilgrims as a self-satirizing character. Many of the tales were written before the frame narrative of the pilgrimage was conceived, and the work is incomplete, with some different ordering of tales in different surviving manuscripts, and with the frame narrative itself sometimes in a sketchy state. Because of their pervasively religious subject matter, both works provide ample evidence of lay and clerical views on the mendicants.

William Langland: Self-Castigating Beggar

When approaching the mendicants as depicted in contemporary literature and in present day literary studies, the greatest emphasis is to be seen on antifraternat satire—or rather on satire that has been read as uncomplicatedly antifraternat. From very early on, *Piers Plowman* has been read as an antifraternat text. Numerous marginalia in the surviving 14th- and 15th-century manuscripts, for example, highlight passages of *Piers* which are critical of the friars, and the 16th-century print editions of Robert Crowley clearly situate the text within a Protestant framework hostile to mendicancy, as do marginalia in the surviving manuscripts which are in later hands.²² Such a trajectory of interpretation conditioned the framing of interpretive questions regarding *Piers* well into the 20th century, culminating with Penn R. Szittyá's study, *The Antifraternat Tradition in Medieval Literature*.²³ Szittyá opens his discussion by posing the question of the origin and genealogy of Sire *Penetrans Domos*, the figure who appears in Passus 20 of *Piers Plowman* B and Passus 22 of the *Piers* C-text, in both cases closing the long series of dream-visions.²⁴

Working within the traditional assumption of antifraternat readings, Szittyá traces the genealogy of the term *penetrantes domos* from its apocalyptic biblical origin through its appearance in the antifraternat polemics of William of Saint-Amour, the reflection of those polemics in French vernacular literature, and in the much later antifraternat polemics of Richard FitzRalph and John Wyclif, who revived many of William

²² See Wendy Scase, *Piers Plowman and the New Anticlericalism* (Cambridge, 1989), 1 and 190 notes 138 and 139, together with a related discussion 115–116.

²³ Penn R. Szittyá, *The Antifraternat Tradition in Medieval Literature* (Princeton, 1986).

²⁴ *Piers* B.20.340 and *Piers* C.22.340.

of Saint-Amour's arguments. The text of 2 Timothy 3, where the term appears, warns of a sign of the dangerous times of the latter days, when those who penetrate into houses will lead captive little women who are burdened with sins.²⁵ William of Saint-Amour, a secular master of theology at the university, used this biblical warning, together with a heretical commentary by Gerard of Borgo San Donnino on Joachim of Fiore's theologically questionable *Evangelium aeternum*, to argue at Rome against the friars' right to be voting members of the theological faculty.

The impetus for William of Saint-Amour's mission to Rome was an unfortunate series of events at the University of Paris, beginning in 1229 and carrying through the mid-1250s, which had included the roughing up by Parisian constables of students at the university, a resulting protest strike called by the faculty in retaliation, and the breaking of that strike by one of the secular masters in theology, John of St. Giles, in favor of allowing the Dominican Roland of Cremona to stand for his degree. It did not help matters on the faculty that John of St. Giles, the strike-breaker, and another secular member of the theological faculty, Alexander of Hales, subsequently became friars themselves—Dominican and Franciscan respectively—nor did it help that between the exchange of edicts of excommunication upon strike breakers and the acts of civil disobedience by the resisting friars, some of the students of the friars also committed acts of violence.²⁶

The danger was that the secular masters at Paris would lose power and income from the transfer of new students to a growing mendicant presence on the faculty, and William of Saint-Amour's *De periculis novissimum temporum* cast that danger in terms of the perils of the latter days described in 2 Timothy 3, with the secular masters defending the cause of orthodoxy against the minions of the Antichrist. That is, they were defending their house, the theological faculty, which was rapidly being penetrated by members of the new orders, including converts from among their own who already had chairs and who, in this polemic, would be identified with the little women (*mulierculae*) who had been led astray. From this time forward, regardless of bulls which firmly established the new orders and regardless of those orders' continued success in attaining

²⁵ That is, *penetrant domos et captivas ducunt mulierculas oneratas peccatis*. 2 Tim 3:1–6, quoted from *Biblia sacra: iuxta Vulgatam versionem*, 2 vols., ed. Bonifatius Fischer, et al. (Stuttgart, 1983).

²⁶ For a very detailed but brief summary of the give and take of the struggle at Paris, and the frequently shifting positions taken in it by the Holy See, the local bishops, and the university authorities, see Szittyá, *The Antifraternal Tradition*, 11–18.

important positions within all of the universities—or rather, because of that success—the apocalyptic rhetoric against the friars, expressed in the language of seduction, cupidity, and heresy, became entrenched, and it would become a permanent feature of a customary literary trope concerning the friars.

Szittyá, like his predecessors, reads *Piers Plowman* with a hermeneutic based entirely on these tropes, together with their historical antecedents. This hermeneutic in turn tends to reduce the major appearances of the friars in *Piers* to a continuous castigation of only one portion of one estate in Will's society—the sole source of the problem, a problem from which Langland and even his persona can appear to become completely detached. One such instance of this detachment is that of the Dreamer depicted as an unholy hermit at the beginning of the Prologue—a hermit whom Langland later describes as “yrobed in russet,” which would suggest not simply a friar, but specifically a Franciscan friar.²⁷ Another such instance is the supper to which Conscience invites Will in Passus 13. Here, in an elaborate allegory, Will the Dreamer sits apart beside Patience, who is arrayed “in pilgrymes clopes.”²⁸ Together, Patience and Will listen to a “maister,” whom “Conscience knew . . . wel and welcomed . . . faire”²⁹—a “maister” who is later identified explicitly as a “frere,”³⁰ as he sets about, in traditional fashion, accepting a lavish meal while purveying high-flown arguments and dubious glosses on Scripture. While Will becomes furious with the friar, Conscience and Clergie privately conclude that with Patience, Will's dinner companion, as their discreet “partyng felawe”³¹ they can bring about the kind of reform that will eradicate the vices of the friar such as gluttony, avarice, and dishonesty in glossing the Scriptures—vices which, Szittyá argues, Langland would appear to have endowed him with thanks to the polemics of William of Saint-Amour.

On this reading, certainly one which the text does not resist, especially when taken in small portions, Szittyá has no choice but to dismiss out of hand the problem of the Dreamer, Will himself, appearing to be one of the friars' number. He thus reads the apparent association of friars with “Iaperes and Iangeleres”³² as an especially harsh satire against the

²⁷ *Piers* B.8.1.

²⁸ *Piers* B.13.29.

²⁹ *Ibid.*, 27.

³⁰ *Ibid.*, 198.

³¹ *Ibid.*, 206.

³² See, for example, *Piers* B.Prol.35.

Franciscans, through their traditional self-identification as *ioculatores Domini*.³³ Similarly, Szittyta reads Will's self-identification as a wanderer, and one without any gainful employment, as a direct attack on the mendicant orders, as in the Prologue where Will travels "wide in þis world wondres to here,"³⁴ and later, much more explicitly, in the C-text passage in which the Dreamer describes himself as married and living "Amonges lollares . . . and lewede Ermytes" in Cornhill in London "yclothed as a lollare," a setting in which Conscience, while leading Will to Reason, castigates him for being an able-bodied beggar.³⁵

In the end—that is, in both the literal end of the poem and the end of all things under the apocalyptic hermeneutic of William of Saint-Amour's antifraternel polemics—Will witnesses one final friar, "Oon frere Flaterere,"³⁶ who is identified more specifically as "sire *Penetrans domos*."³⁷ This identification comes just when Contrition asks Conscience to allow the friar admittance to the apostolic Unity of the universal Church, on the grounds that he is a fine physician—an allegory of the friars finding welcome in the Church and the mandate to engage in the office of shriving while receiving support from those whom they shrive.³⁸ The result is that Conscience finds wounded Contrition unhealed by the friar—who had "saluede so oure wommen til some were wiþ childe."³⁹ As a result, Conscience must "bicom a pilgrym" in order to see "þat freres hadde a fyndyng þat for need flateren."⁴⁰ That is to say, Langland's last words on the state of the Church has a flattering friar caught up in an allegory in which only a reform of the mendicant life itself, in the direction of establishing monastic endowments ("fyndyng") for them to live on, will eliminate their tendency to flatter, which comes from having to beg for their sustenance.

An uncomplicatedly antifraternel reading would seem inevitable here, were it not set within a deeper allegorical context in which Conscience has already called for help against "a mansed preest . . . of þe March of [Irlonde]" and "sixty of þe same contree" who have so greatly forsaken Conscience in order to garner wealth that Conscience itself has

³³ Szittyta, *The Antifraternel Tradition*, 248–255.

³⁴ *Piers B.Prol.4*.

³⁵ *Piers C.5.1–5*. See Szittyta, *The Antifraternel Tradition*, 265–266.

³⁶ *Piers B.20.315*.

³⁷ *Ibid.*, 340.

³⁸ *Ibid.*, 309–318.

³⁹ *Ibid.*, 347.

⁴⁰ *Ibid.*, 380–383.

nearly succumbed at the hands of “inparfite preestes and prelatex of holy chirche.”⁴¹ Although the friars who rush to the aid of Conscience turn out to be at least as imperfect as the secular clergy—contrary to the promise of better things shown by “Frere Fraunceys and Domynyk” who “lafte . . . lordshipe, boþe lond and scole”⁴² for the sake of holiness, Conscience nevertheless courteously and with a chuckle invites *all* the Clergie “To vnitee and holy chirche.”⁴³ All are given the same exhortation by Conscience: “haueþ noon enuye / To lered ne to lewed, but lyueþ after youre reule.”⁴⁴ The apocalyptic ending of the poem turns out not to be so very apocalyptic, and not at all exclusively antifraternat. Conscience, seeing the failure of all the clergy to live up to their vocation seeks Grace and Piers Plowman, the man of true virtue who combines his prayer with honest work.

The question of whether or not an antifraternat reading of *Piers Plowman* is justified is one of perspective and scale rather than one of absolutes. Szittyá's assessment of the antifraternat arguments that circulated before and during the composition of the three versions of *Piers Plowman* is well-founded and it is an invaluable guide through the intricate history of antifraternat polemics as they made their way from politico-theological tracts into imaginative literature. Nevertheless, an over-determined reading of the antecedents of these literary tropes back into the tropes themselves, with little regard to their new contexts, is to be avoided, as is the impression that such an over-determined reading can leave behind—that the friars were hated uniquely, universally, and virulently, rather than subjected to a particular kind of stock complaint, together with a concomitant stock depiction that is not as readily reflected in surviving non-literary documents, such as complaints against particular friars in actual ecclesiastical courts.⁴⁵

Lawrence M. Clopper's book-length study, “*Songes of Rechelesnesse*”: *Langland and the Franciscans*, poses a hypothesis that accounts for the guise of the Dreamer in *Piers* as a friar, and one who is among the less

⁴¹ *Ibid.*, 221–229.

⁴² *Ibid.*, 251–252.

⁴³ *Ibid.*, 245.

⁴⁴ *Ibid.*, 246–247.

⁴⁵ See Arnold Williams, “Chaucer and the Friars,” *Speculum* 28.3 (1953), 499–513 for a discussion of the literary antecedents of antifraternat literature in England which also takes into account such primary evidence of the behavior of friars outside of works of literature, as well as John A. Alford's review of Szittyá's book, *Speculum* 64.1 (1989), 222–223 and a similar review by Christina von Nolcken, *Modern Philology* 86.3 (1989), 292–294.

worthy of his brethren, by tracing the Franciscan spirituality that pervades the poem. Clopper focuses on but does not limit himself to a consideration of the role of the concept of *rechelesnesse*—not “recklessness” as in modern English, but rather the Franciscan spiritual imperative to avoid solicitousness for one’s material well being, in accord with the injunction *ne solliciti sitis* of Matt. 6:25, an injunction which appears as a Latin quotation in both the A and B texts of *Piers*.⁴⁶ Clopper finds enough in *Piers* to allow for speculation that Langland may have been a Franciscan himself—or at least one who was making an argument for Franciscan reform based on language suited to an internal Franciscan forum. Clopper’s argument is in general accord with that of Wendy Scase, who has examined the relation of the antifraternel arguments in *Piers Plowman* to the specifically Insular arguments against *mendicancy*—that is, against able-bodied begging—made by both John Wyclif and Richard FitzRalph.⁴⁷

Certainly, Langland and his personified Will seem to be preoccupied with the earning of a just reward through work, and it is this preoccupation with just and unjust reward—both of them personified by Mede—that also demands a further contextualization of Langland’s outlook on the friars, in that his Prologue and first nine Passus deal with every estate in medieval English and European society, the butchers and the lawyers, the commons and the king. In this context, the figure that would steal Anima away from the safety of the castle in which Kynde (her proper nature) has enclosed her is not the friar, Sire *Penetrans Domos* at all, but rather “A proude prikere of Fraunce, *Princeps huius mundi*.”⁴⁸ Here the devil is associated not with a friar or with any kind of cleric, but rather with that class of laymen that is most romanticized in medieval literature—the knight. In another striking scene, Lady Mede, whose name means “reward” in either a laudatory or a pejorative sense, is courted by numerous officials who are seeking to benefit financially from their high office. Having been sullied in this way, Mede is shriven by “a Confessour coped as a frere,”⁴⁹ in a sacrament intended to transform her

⁴⁶ Lawrence M. Clopper, “*Songes of Rechelesnesse*”: *Langland and the Franciscans* (Ann Arbor, MI, 1997). On the Latin quotation as it appears in further medieval sources, see also John A. Alford, *Piers Plowman: A Guide to the Quotations* (Medieval and Renaissance Texts and Studies) 77 (Binghamton, NY, 1992), 57.

⁴⁷ Wendy Scase, *Piers Plowman and the New Anticlericalism* (Cambridge Studies in Medieval Literature) 4 (Cambridge, 1989).

⁴⁸ *Piers* B.9.8.

⁴⁹ *Ibid.*, 3.35.

from political graft into the just reward of honest work. T.P. Dolan argues that this is in fact not a simple condemnation of the friars in the usual, stereotypical mode inherited from William of Saint-Amour, in which the friar is simply seeking the graft for himself, but rather one informed by the bull of Innocent IV, *Etsi animarum*, in which the shame in the heart of a penitent before a regular confessor—a shame in which Mede is distinctly lacking—is a necessary concomitant to true contrition and hence to valid absolution.⁵⁰ The scene in any case unites the Westminster power structure with the friar in a condemnation that calls for a reform not of their very existence, but of the way in which money changes hands.

This rather abstract theological interpretation is not inconsistent with a more pragmatic reading. The problem of work and reward—and specifically of the mendicant's earning of a due reward from that person whom he must and yet must not flatter—the penitent—would seem to be Langland's chief concern with regard to the friars, and it may have been a personal concern as well, given the Cornhill passage in the C-text mentioned earlier, describing the Dreamer as a married father who simply does not work, preceded by and contrasted with the earlier description of the Dreamer in the A-text where in passus 8, lines 42–44, merchants give the Dreamer “wille for his writyng wollene cloþis,” suggests that he earns a living as a scribe. Since the A text was written well before C, we may be seeing here a practical reason for the preoccupation with Mede on Langland's own part, as he moved from earning his living toward an abject state approaching beggary.⁵¹

Despite what may have been a personal preoccupation for a married clerk out of a job in a celibate clerk's world, Langland nonetheless explores the problem of Mede and her corrupting influence in regard to all classes of society from the very beginning of the poem. He introduces into the Prologue, for example, an allegory of a council of rats belling a cat that speaks to the commons' doubts about their king. But there remains very frequently a hidden friar behind the text. This fable of entirely non-clerkly estates may itself have come to Langland from the Franciscan

⁵⁰ Terry P. Dolan, “Shame on Meed,” *Suche Werkis to Werche: Essays on Piers Plowman in Honor of David C. Fowler*, ed. Miceál F. Vaughan (East Lansing, MI, 1993), 81–88.

⁵¹ See Ralph Hanna III, *William Langland* (Authors of the Middle Ages) 3 (Aldershot, 1993), 21. For an extensive discussion not only of Langland's vexed personal relationship to poverty and mendicancy but also of developing attitudes toward these issues in 14th-century England see Anne Middleton, “Acts of Vagrancy: The C Version ‘Autobiography’ and the Statute of 1388,” *Written Work: Langland, Labor, and Authorship*, ed. Steven Justice and Kathryn Kerby-Fulton (Philadelphia, 1997), 208–317.

Nicholas Bozon—forming a mendicant satire on the laity. Moreover, Langland's allegorical figure of the chivalric Christ, Who appears in Passus 16, 18 and 19, has even clearer antecedents in the work of Bozon, inspired ultimately by the chivalric spirituality of St. Francis himself, though possibly also by the sermons of a Dominican, Guy d'Evreux.⁵²

Langland most certainly satirizes the friars, and he frequently does so in the language that had been current in antifraternel polemic from the beginning—in an anti-mendicant and anticlerical polemic that was indeed, we now know, building in England toward the dissolution of both the friaries and the monasteries. Yet he also does so in the persona of a mendicant in his vast and self-castigating dream vision, a vision imbued with the spirituality and created in the poetic mode of the *ioculatores Domini*—the Franciscan jongleurs of the Lord. He is, furthermore, endowed with an insider's knowledge of the language of Franciscan reform, similar to that of Ubertino da Casale, St. Bonaventure, and John Pecham, each of them actual, not fictional friars.⁵³ As does Walter Hilton, William Langland embodies the ways in which the mendicant influence on literature and depiction in it ranges freely and unexpectedly, pervading even what, in the case of Langland's work, has long seemed to be a thoroughly and uncomplicatedly antifraternel text, yet which proves in the end to be a text saturated with their influence and dependent upon their own rhetoric.

Geoffrey Chaucer: A Friar Behind Every Tale

Though more light-hearted in its satirical approach, Geoffrey Chaucer's work is similarly complex in its relation to the mendicants. Particularly illustrative of this complexity is Chaucer's Wife of Bath, a pilgrim in the

⁵² For the Fable of the Rats, see Eleanor H. Kellogg, "Bishop Brunton and the Fable of the Rats," *PMLA* 50.1 (1935), 57–68 and Nicholas Bozon, *Les contes moralisés de Nicole Bozon, frère mineur*, ed. Lucy Toulmin Smith and Paul Meyer (Paris, 1889), 144–145 and 211–212. For a thorough consideration of the Christ-Knight in *Piers Plowman*, including possible sources in Bozon and d'Evreux, see Wilbur Gaffney, "The Allegory of the Christ-Knight in *Piers Plowman*," *PMLA* 46.1 (1931), 155–168. Bozon's verse-sermon in BL Additional 46919, "Coment le fiz Deu fu armé en la croyz," is available in David L. Jeffrey and Brian J. Levy, *The Anglo-Norman Lyric: An Anthology* (Studies and Texts) 93 (Toronto, 1990), 186–191.

⁵³ Lawrence M. Clopper, "Langland's Persona: An Anatomy of the Mendicant Orders," *Written Work: Langland, Labor, and Authorship*, ed. Steven Justice and Kathryn Kerby-Fulton (Philadelphia, 1997), 153.

frame narrative. She herself is the key figure in the prologue to the tale she tells—an autobiographical pastiche of the letters of St. Jerome against Jovinian which is more than twice as long as her actual tale and twenty-seven lines longer than the General Prologue to the whole collection. In the opening of the Wife of Bath's Tale, Alison of Bath makes what is perhaps the tartest of her very long series of tart remarks—a remark all the more tart for being uncharacteristically succinct:

In tholde dayes of the Kyng Arthour,
 Of which that Britons speken greet honour,
 Al was this land fulfild of fayerye.
 The elf-queene, with hir joly compaignye,
 Daunced ful ofte in many a grene mede.
 This was the olde opinion, as I rede;
 I speke of manye hundred yeres ago.
 But now kan no man se none elves mo,
 For now the grete charitee and prayeres
 Of lymytours and othere hooly freres,
 That serchen every lond and every streem,
 As thikke as motes in the sonne-beem,
 Blessynge halles, chambers, kichenes, boures,
 Citees, burghes, castels, hye toures,
 Thropes, bernes, shipnes, dayeryes—
 This maketh that ther ben no fayeryes.
 For ther as wont to walken was an elf
 Ther walketh now the lymytour hymself
 In undermeles and in morwenynges,
 And seyth his matyns and his hooly thynges
 As he gooth in his lymytacioun.
 Wommen may go saufly up and down.
 In every bussh or under every tree
 Ther is noon oother incubus but he,
 And he ne wol doon hem but dishonour.⁵⁴

Although this mendicant of the hedgerows is not the first friar to appear in the *Tales*, he is well situated within them to illustrate Chaucer's overall depiction of the mendicants in his satire, because Alison of Bath is herself as much satire as she is satirist. Alison is retaliating, in this opening gambit to her comic Arthurian romance, against Chaucer's pilgrim Friar Huberd for making the honest observation that her really very long

⁵⁴ Geoffrey Chaucer, *The Canterbury Tales*, The Wife of Bath's Tale, ed. Larry D. Benson (Boston, 1987), Fragment III, lines 857–881. All quotations from the *Canterbury Tales* are taken from the 3rd edition of the Riverside Chaucer.

prologue was “a long preamble of a tale.”⁵⁵ Huberd’s remark comes at just about the time when Chaucer seems to have calculated that his audience—which included men such as John Gower, a fellow poet and lawyer, and Ralph Strode, an Oxonian practicing law in London—would have had about enough of her prologue’s extended learned joke on men, on women, on misogyny, and on the kind of men who get themselves into the clutches of the oft-widowed Alison by not being misogynistic enough.⁵⁶

The mortifying Alison appears elsewhere as something of an authority on marriage in the Merchant’s Tale—the tale of a knight, Januarie, whose moral outlook and turns of phrase make him a male version—or inversion—of Alison herself. Januarie believes anything that flatters his naïve and indeed infantilized outlook, and he ends by being cuckolded to his face by a much too young wife, Mayus. Alison of Bath’s cautionary advice on the “wo that is in mariage,”⁵⁷ is, moreover, especially attractive both to the Pardoner, whom Chaucer clearly depicts as a homosexual—“a geldyng or a mare” as he puts it—and to the Pardoner’s particular friend, the Summoner, who is in turn the particular *enemy* of the Friar—particular enemy both within the generic expectations of estates satire in general and in Chaucer’s frame narrative of tale-telling pilgrims specifically.⁵⁸ Pardoners, summoners, merchants, wives, widows, doctors of the Church, and even knights all are liable to as much of the brunt of Chaucer’s satiric wit as the friars are. Alison of Bath’s actual tale is, in fact, not about the misdeeds of the friars in the shrubbery. Rather, it follows a rapist knight on his embarrassing but efficacious road to redemption, paved for him entirely by women.

This interlacement of folly, sin, and deception between the sexes and among all social categories throughout all levels of the work is not only the foundation of Chaucer’s humor in a simple sense, but is also the ground of his use and re-use, as G. Geltner has described it, of the figure of the deceptive friar seen in Jean de Meun’s *Roman de la Rose*. This *Faus Semblant* is one of the literary heirs to William of Saint-Amour’s

⁵⁵ The Wife of Bath’s Prologue, Fragment III, line 831.

⁵⁶ For highlights of the relationship of Chaucer to Gower and Strode see Derek Pearsall, *The Life of Geoffrey Chaucer* (Oxford, 1992), 1–2, 22, 29, 66, 75, 107, 109, 131–133, 138, 151, 184, 189, 196, 217, 222, 225, 237, 267, and 327 note 7 (Gower); 97, 133–134, 184, 189, 217 and 333 note 12 (Strode).

⁵⁷ Fragment III, line 3.

⁵⁸ General Prologue, Fragment I, line 691.

original polemics against the friars, a figure whose handy-dandy with the truth turns up in Chaucer's *Canterbury Tales* in a long series of non-fraternal and even non-clerical figures who put on a false appearance, make a false argument, or tell a false tale—Alison of Bath and her admirer the Pardoner most especially, in the prologues where they obfuscate and misquote authority to their own advantage, like devils quoting Scripture. The figure of *Faus Semblant* or False Seeming also resonates, for example, in the pilgrim Franklin, an aspirant to gentility who is much too recently rich to be recognized as having any of it, and who is, as a result, desperate to seem to be what he cannot hope even to be mistaken for.⁵⁹

A common reading of the pilgrims—by far the most intuitive one on a first reading of the *Tales*—has tended to arrange them in a hierarchy of estates of which Chaucer either approves or disapproves, depending on the way in which he depicts the pilgrim who represents the estate in the General Prologue. For example, Arnold Williams, an early student of the historical background of antifraternality in Chaucer, does carefully disentangle the fictional friars of Chaucer's frame narrative and tales from a facile connection with the actual friars living in Chaucer's day. Nevertheless, he also presents a Friar Huberd who is to be mocked out of court—by Chaucer and by the reader—by characterizing the Friar in the most categorically unsympathetic terms: "Among the many unlovely characters in the General Prologue to the *Canterbury Tales*, the Friar is one of a rather small group with no mitigating virtues."⁶⁰

It is Williams's further contention, at times implicitly, at times explicitly, that the other pilgrims—most clearly the virtuous Parson but also such flawed characters as the worldly, hunting Monk—are to be included within the circle of Chaucer's indulgence. Penn R. Szittyá, who expands upon Williams's thesis, examines antifraternality tropes that may be latent in the Summoner's Tale, concentrating particularly on the unseemly scatological joke at the end of it. In the tale, a greedy, flattering Frere John, who has cleaned out much of the savings of a humble family through the connivance of the wife—though without curing the ailing husband—receives from the husband a fart as a donation, a fart which the friar must, moreover, part equally with all his brothers, owing to the vow of poverty under which he must have all things in common in the friary. A

⁵⁹ G. Geltner, "Faux Semblants: Antifraternality Reconsidered in Jean de Meun and Chaucer," *Studies in Philology* 101.4 (2004), 357–380.

⁶⁰ Arnold Williams, "Chaucer and the Friars," *Speculum* 28.3 (1953), 499.

method for doing this—propelling the fart down the hub and along the spokes of a wheel on a windless day, into the noses of all the brethren stationed along the circumference—is proposed with a certain mock-solemnity by the squire of the lord of the village, to whom the friar has run for justice against the offending cottager. Within the denouement of the Summoner's Tale proper, the lord's household heartily approves the squire's solution and Szittyá, extending earlier arguments that the joke is a parody of the Pentecost, maintains that it is also a direct parody of the general chapter of the Franciscans, which was established in the Rule of 1223 to be held at Pentecost.⁶¹ On these readings, the Friar cannot possibly win the day with his tale against the Summoner, a tale in which a summoner is tricked into giving up his soul to the devil by a manipulation of his rapacity, mendacity, and use of false accusation for monetary gain. Under Williams's thoroughly antifraternal hermeneutic, Friar Huberd must be read, from the General Prologue onward, as being the most vicious among the pilgrims.

Given this tendency among critics to use the Friar's General Prologue portrait and its literary antecedents to determine the reading of Friar Huberd, it may seem startling that Jill Mann sees Chaucer as approving many of Huberd's character traits, and this in a book-length study that is itself pointedly limited to the General Prologue: *Chaucer and Medieval Estates Satire: The Literature of the Social Classes and the General Prologue to the Canterbury Tales*. Taking a view that includes consideration of the historical setting of the *Tales*, Mann points out that Huberd's socially adept behavior, though stereotypical of all literary friars before him, is nevertheless necessary not only to the role that Huberd must play in the frame narrative of the pilgrimage as a friendly participant in the tale-telling contest, but also to an order of society that would not readily accept Huberd were he to assume more avidly the ideals of his mendicant state, becoming another Francis—perhaps trying to persuade every one of the nine and twenty pilgrims to embrace repentance with the sort of zeal that Francis himself used—unsuccessfully—to persuade his own father to be less worldly.⁶² Mann's interpretation of Huberd's General

⁶¹ Szittyá, *The Antifraternal Tradition*, 231–246. See also Alan Levitan, "The Parody of Pentecost in Chaucer's *Summoner's Tale*," *University of Toronto Quarterly* 40 (1970–1971), 236–246 and Bernard Levy, "Biblical Parody in the *Summoner's Tale*," *Tennessee Studies in Literature* 11 (1966), 45–60 for the original arguments linking the joke to the Pentecost.

⁶² Jill Mann, *Chaucer and Medieval Estates Satire: The Literature of the Social Classes and the General Prologue to the Canterbury Tales* (Cambridge, 1973), 37–54. Mann makes the argument for societal complicity in Huberd's faults on 54.

Prologue portrait, then, is one of a man not nearly as vicious as the one seen by Williams and Szittyá, but because of the scope of the study, it is still set within a framework in which the Parson, the Knight, and the Plowman appear in a chapter which Mann entitles "Estates Ideals," while the Monk and the Friar represent "The Anti-Clerical Tradition in Estates Satire," with the Pardoner falling into a category of "Scientific Portraits," the Summoner that of "Descriptive Traditions: Beauty and the Beast," and Alison of Bath that of "Independent Traditions: Chivalry and Anti-Feminism."⁶³

These readings of Chaucer's friars, limited either to the portraits in the General Prologue or to readings determined by antecedent literary traditions leave out of account the presence of anti-types within the *Tales* of even the most idealized figures of the General Prologue. The very virtuous knight of the General Prologue may, for example, be paired with the rapist knight of Alison of Bath's tale or the knight January who is a cuckolded fool in the Merchant's Tale. These anti-types also include a devil disguised not as a friar nor even as a summoner, but as a sturdy yeoman, in the Friar's Tale, showing the devil taking advantage of the positive stereotype of the yeomanry to present a false appearance or *Faus Semblant*. There is even a woman who puts on airs because she is the bastard daughter of the town parson in the Reve's Tale, providing an embarrassment to the positive depiction of Parsons that might be derived from the portrait in the General Prologue.

This list is hardly exhaustive. Chaucer spares no one a satirical nudge or two in the *Tales*, including even himself, in such deliberate prosodic botches as the Tale of Sir Thopas, told by Chaucer the pilgrim, and satirical remarks on the poetic works of his friend John Gower in the Introduction to the Man of Law's Tale.⁶⁴ This is not to say that the Knight of the General Prologue is not held up as an ideal, or that Friar Huberd might not exhibit some questionable behavior, unworthy of his vocation, veiled by the pilgrim Chaucer's language of discretion and indulgence. It is to say, however, that Huberd is not without merit in Chaucer's depiction. The prayer and exhortation with which Friar Huberd ends his tale does seem more edifying, more charitable, and more suitable to his estate than the scatological parody of Pentecost and the mendicants that we have seen employed by the Summoner:

⁶³ Mann, *Medieval Estates Satire*, ix-x.

⁶⁴ Fragment II, lines 1-98.

But for to kepe us fro that cursed place,
 Waketh and preyeth Jhesu for his grace
 So kepe us fro the temptour Sathanas.
 Herketh this word! Beth war, as in this cas:
 "The leoun sit in his awayt alway
 To sle the innocent, if that he may."
 Disposeth ay youre hertes to withstonde
 The feende, that yow wolde make thral and bonde.
 He may nat tempte yow over youre might,
 For Crist wol be youre champion and knyght.
 And prayeth that thise somonours hem repente
 Of hir mysdedes, er that the feende hem hente!⁶⁵

The Summoner had left us with an exceptionally vile blasphemy. The Friar here leaves us with this wish that we might be watchful and that the summoners might repent. The Summoner's particular friend, the Pardoner of Rouncival, whom Chaucer depicts not as a friar but as an Augustinian Canon, or mere retainer of the Canons at the Hospital of St. Mary Rouncival, leaves us with a few pig's bones—the fraudulent relics he offers to the credulous—and a pack of bald-faced lies. In recompense for this, Chaucer's Hooste envisions enshrining his privates, should he prove to have any, "in an hogges toord."⁶⁶ It is not upon Friar Huberd, but rather upon this Pardoner—upon that pilgrim who comes closest to committing the sin against the Holy Spirit by reveling in the violence he inflicts upon the truth—that Chaucer heaps his most virulent execration, an execration probably made the more intense because a series of actual scandals at the Hospital of St. Mary Rouncival was fresh in his mind.⁶⁷

But there is something more of the friars hidden within Chaucer's depiction of the estates in his extended satire, for the clearly idealized Second Nun, though lacking a portrait in the General Prologue entirely, tells the tale of Saint Cecilia with the voice of the Dominican bishop, Jacobus de Voragine, author of the *Legenda aurea*. Even the Parson himself, the idealized pilgrim who very much has the last word in the *Tales*, speaks with the voices of two more Dominicans, Raymond of

⁶⁵ Fragment III, lines 1653–1664.

⁶⁶ Fragment VI, line 955.

⁶⁷ For the identification of St. Mary Rouncival with the Augustinian Canons, see David Knowles and R. Neville Hadcock, *Medieval Religious Houses: England and Wales* (London, 1971), 402, s.v. "Westminster, St. Mary Rouncival, Near Charing Cross." For a brief history of the scandals there involving fund raising, see Samuel Moore, "Chaucer's Pardoner of Rouncival," *Modern Philology* 25.1 (1927), 59–66.

Peñafort and William Peraldus.⁶⁸ Like the Dominican standing behind the scribe on the first folio of the Holkham Bible, exhorting him to copy the Bible well, these friars, though hidden, suffused both literature and life with their presence.⁶⁹

⁶⁸ See Robert M. Correale and Mary Hamel, *Sources and Analogues of the Canterbury Tales*, 2 vols. (Chaucer Studies) 28 (Cambridge, 2002), 504–517 and 536–537.

⁶⁹ For the Dominican patronage and probable intended uses of the Holkham Bible, see Michelle P. Brown, *The Holkham Bible: A Facsimile* (London, 2007), 7–12 and 16–17.

CHAPTER ELEVEN

MENDICANCY IN THE FOURTEENTH AND FIFTEENTH CENTURIES: “UBI NECESSITAS NON URGEAT”: THE PREACHERS FACING THE “REFRIGESCENS CARITAS”

SILVIA NOCENTINI

Between the fourteenth and fifteenth centuries, two crucial events took place which left a mark on the life of the Church in general and of the religious orders in particular: namely the so-called Schism of the West (1379–1417) and the birth of the Observant movements.

The Schism provoked a deep wound within Christian society. This was expressed in the birth of two distinct poles of obedience: the pope in Rome and the pope in Avignon. Repercussions of the situation were felt also at a political level, since each nation followed the pope who best adhered to its own interests. The Mendicant orders were no exception, with internal divisions electing a Master General for each obedience, as well as holding a double series of Chapters General. But most importantly, the Schism arose in a religious context in which the first clouds of a spiritual crisis were gathering, and which was to lead, in turn, to a deep rethinking of the relation between man and God, and between the Church and its faithful.

A synthesis of the first of these tendencies is the most relevant phenomenon of the period: the affirmation of mysticism as a model for sanctity and as a spiritual guide in the sign of *docta ignorantia*. The religiosity of these mystic movements was characterised by their new way of conceiving of the relation between creature and Creator: through love, conceived of as a path towards total adherence to the Other, and as the sole way of reaching knowledge of God. The imitation of Christ in bodily suffering turned from being an instrument for practicing Christian charity (being poor together with the poor) to becoming the goal of a spiritual and solitary experience. The confessors, men of the Church, monks or highly cultivated friars, became the bearers of the often prophetic words of uneducated mystics, venerating the penitential and ascetic figures and proclaiming themselves their disciples, as in the case of Raymond of Capua and Catherine of Siena.

It is in this period that a new kind of relation took shape between the simple faithful and spiritual directors who assumed responsibilities of a certain weight within ecclesiastical or religious ranks. It was a kind of personal and private continuation of the sermons which used to be held for the people in public places; an additional mark of the new tendency of a spirituality lived privately rather than publicly, a phenomenon exemplified in the teachings collected in small books or letters.¹

As we said, a new relation between man and God, and a new relation between faithful and Church were the salient elements in the structure which synthetically characterised the spiritual context of the period extending over the two centuries which we are considering. Besides these aspects, which are connected to both common and personal religiosity, other tendencies developed which lead towards a *renovatio* of ideas—but not without a return to the origins, which mainly meant for the religious Orders a return to the ideals of perfection of their founders.² It was a renewal through a reinterpretation of the past which had its correlate in literary humanism, and which, in refusing the *via antiqua*, turned to the Greek and Latin classics to encourage the rebirth of study.³

Given these premises, and considering the great changes of the times, it is legitimate to wonder: how, if at all, does the concept of mendicancy change in this period? And what place is it assigned in the new theoretical framework of the Mendicant Orders?

We shall limit the examination to the situation in the Order of Preachers given that the question has been to this day but little studied⁴ and

¹ See for example Giovanni Dominici, O.P., *Regola del governo di cura familiare*, ed. Piero Bargellini (Florence, 1927) and Giovanni Dominici O.P., *Lettere spirituali*, eds. Maria Teresa Casella and Giovanni Pozzi (Fribourg, 1969); Antonino Pierozzi, O.P., *Opera a ben vivere*, ed. Giulio Lorini (Siena, 1961), dedicated to Dianora and Lucrezia Tornabuoni, mother of Lorenzo Magnificent.

² Not for all Orders, in fact, Knights' and Hospitaller Orders only express, with the Observances, their wish for a regeneration of the structure of the Order and not a return to the origins which had been triggered by very particular phenomena, such as the crusades; see *Reformbemühungen und Observanzbestrebungen im spätmittelalterlichen Ordenswesen*, ed., Kaspar Elm (Berlin, 1989), 17.

³ See the entry: *Osservanza, congregazioni della* in *Dizionario degli Istituti di Perfezione*, 10 vols. (Milano, 1962–2003), 6:1036–1057.

⁴ A richly documented and complete study of the immediately preceding period to the one examined here, is Ulrich Horst, O.P. *Evangelische Armut und Kirche. Thomas von Aquin und die Armutskontroversen des 13. und beginnenden 14. Jahrhunderts* (Berlin, 1992), hereafter cited as Horst *Evangelische Armut*, in which a Thomistic conception of poverty is analyzed through its consequences on the Dominican and Franciscan schools of thought until the beginnings of the 14th century. For the period spanning from the 14th to 15th century, there is the fundamental study of Gabriel M. Löhr, O.P. "Die

requires therefore a synoptic overview, however synthetic and preliminary to a more wide-spread research.

This chapter focuses then on certain key characters who discussed the matter in different places, on different occasions, distinguishing, as we shall see, the history of reflections on mendicancy in two distinct periods: one which covers the period of the fourteenth century, in which the opinions given in reply to the *quaestio* revolve around two stable points—the Thomistic doctrine and the logical/juridical framework—and the fifteenth century, a period in which the discussion shifts onto a more theoretical level, where attempts were made to produce new theological syntheses.

In order to proceed, we must consider the *status quaestionis* in the period in question and draw out the historical frame in which the new moralising positions find their place.

The thirteenth century had been a period of self-definition and self-defense for the Mendicant Orders. It saw lacerating controversies over the *usus pauper* and the *incerta mendicitas*,⁵ as in the contest between the spiritual and conventual Franciscans, and the one between regular and secular masters in the universities. The internal polemics, related to the interpretation of poverty required by the founders of the Orders, were put a stop to by the papal bull of 1323 when John XXII excommunicated as heretics all followers of pauperistic movements related in any way to the Spirituals.⁶ Indeed, the ideals of poverty of the Franciscans and the Dominicans, originating from the profoundly different points of view of their founders, had become reconciled on many points thanks to this stabilisation—which eliminated, or greatly reduced the wanderings to which the practice of mendicancy was connected. It also sanctioned

Mendikantenarmut in Dominikanerorden im 14. Jahrhundert. Nach dem Schriften von Johannes von Dambach, O.P. und Johannes Dominici, O.P." *Divus Thomas. Jahrbuch für Philosophie und spekulative Theologie* III. Serie, 18/2–3 (1940), 385–427 (hereafter cited as Löhr "Die Mendikantenarmut"). Lastly, for an examination of the question within the Teutonic provinces and in Switzerland in the midst of the reform of the Observance in the middle of the 15th century, see Michael D. Bailey, "Religious Poverty, Mendicancy, and Reform in the Late Middle Ages" in *Church History. Studies in Christianity & Culture* 72/3 (2003), pp. 457–483 (hereafter cited as Bailey "Religious Poverty").

⁵ Cf. an interesting summary in Franco Dal Pino, "L'evoluzione dell'idea di mendicITÀ nel Duecento" in *Esperienze minoritiche nel Veneto del Due-Trecento. Atti del convegno nazionale di studi francescani (Padova, 28-29-30 settembre 1984)* (Vicenza, 1985) in *Le Venezie francescane. Rivista semestrale di storia, arte e cultura* 2 (1985), 11–36 (hereafter cited as Dal Pino "L'evoluzione dell'idea di mendicITÀ").

⁶ Dal Pino "L'evoluzione dell'idea di mendicITÀ", 30–32.

the undertaking of stable pastoral services, in exchange for which many offerings reached the convents which had no longer need for daily collections. It is precisely this dichotomy between being and defining oneself as mendicant and the fact of having possessions (enabling them to no longer beg), which shall remain a thorn at the side of the Dominicans and the Franciscans, and would ignite, from time to time, a discussion on the subject, as we shall see.

In addition, the Mendicants had also to defend themselves from intellectual attacks from the *magistri* who felt threatened by the progress of the brethren of the two major Orders and of their schools in the Universities.⁷ The practice of voluntary poverty in particular was at the center of harsh polemics between secular and regular clergy. It was also attacked because it destroyed the foundations of the academic corporations which were sustained by privileges which guaranteed compensation for the work produced—compensations which the regulars did not request. The polemic⁸ between William of Saint-Amour and Bonaventura of Bagnoreggio together with Thomas Aquinas is representative: in his *De periculis novissimorum temporum* (1255), William denounced the practicing of voluntary poverty and of mendicancy as contrary to morality and to the doctrine of the Church. He was answered by Bonaventura in his *Apologia pauperum* and by Thomas in his *Contra impugnantes Dei cultum et religionem*, defending the choices of the Orders as being based on an agreement between the brethren and the Pope, who divided the possession from the fruition of property, and especially distinguished between the use and abuse of mendicant poverty.⁹

As we shall see, the positions Thomas took on this question would be heavily employed by those on both sides who, much later, had to confront the argument. The passages from Thomas which are the most quoted by his successors are found in his *Contra retrahentes*¹⁰ and in the *Secunda*

⁷ Jacques le Goff, *Gli intellettuali nel Medioevo*, trans. Cesare Giardini (Milan, 1995), 102–109.

⁸ Maria Teresa Beonio Brocchieri Fumagalli and Massimo Parodi, *Storia della filosofia medievale: da Boezio a Wyclif* (Rome, 1989), 287–288 and 311 (hereafter cited as *Storia della filosofia*).

⁹ The controversy should be drawn over a wider frame, with complex ecclesiological implications. Briefly stated, the problem was to guarantee that the spiritualistic tendency, with its theories of evangelical perfection, would not assail the pope and the bishops who could be accused of not being true followers of Christ, given that they did not adhere to the *status* considered as perfect, i.e. poverty. See Horst, *Armut und Kirche*, 217–224.

¹⁰ Thomas Aquinas, O.P., *Contra retrahentes*, edited in *Sancti Thomae de Aquino Opera omnia*, vol. 41, *Contra impugnantes Dei cultum et religionem; De perfectione spiritualis*

secundae:¹¹ briefly stated, poverty is a means and as such should be used and adapted to the goals pursued. Indeed, that which characterises a true disciple of Christ is preaching, teaching and the *praeparatio animi*. The latter, together with the taking of religious vows—which do not however constitute perfection for Thomas but only a means to reach it—are the two cardinal points around which Aquinas' doctrine concerning poverty revolves.

It should be noted that, though associated through their qualification as Mendicants, the two Orders, the Franciscans and the Dominicans, differed substantially on the interpretation of poverty. For the Minors, poverty was central to their existence as the followers of Francis, as ratified in the *Regula non bullata* on which the whole Order was founded: to be poor and rely on the *incerta mendicitas* was one of the supporting axes of the theoretical grounding at the basis of the Minorite movement. For Dominic, poverty was not an end but a means towards apostleship, insofar as his mission and that of his brethren was to preach the Gospel and fight heresies. It is precisely because the principle of poverty for the Minorites was absolutely necessary that it lent itself both to attempts of mitigation in order to avoid doctrinal excesses considered to be dangerous for the Holy See, as well as to criticism for often failing to apply it. On the other hand, amongst the Preachers, the discussion was very open, given that poverty did not play a significant role even at its beginnings. The Order had always had connections to property which, cyclically, became problematical insofar as they were linked to a severe reinterpretation of their own history at critical moments, as those in the

vita; Contra doctrinam retrahentium a religione (Rome, 1970): "Utrumque etiam consilium ad dilectionem proximi ordinatur. Cum enim ea quae dominus praecipit Matth. V, ad dilectionem proximi pertinentia, sint in praeparatione animi observanda; manifestum est quod magis ad horum observantiam praeparatur animus qui circa propria non sollicitatur: facilius enim tollenti tunicam, et pallium dimittere est paratus, si necesse fuerit, qui nihil habere in suo animo destinavit, quam qui habet animum aliquid in hoc saeculo possidendi. Quia vero caritas non solum finis est, sed etiam radix omnium virtutum et praeceptorum quae de actibus virtutum dantur; consequens est ut sicut per consilia homo proficit ad perfectius diligendum Deum et proximum, ita etiam proficiat ad perfectius observanda quae de necessitate ad caritatem ordinantur."

¹¹ Thomas Aquinas, O.P., *Summa theologiae* IIa-IIae q. 186 a. 2 co., in *Sancti Thomae de Aquino Opera omnia*, vol. 10, *Secunda secundae Summae theologiae: a quaestione 123. ad quaestionem 189*. (Rome, 1899): "Et sic, sicut supra dictum est, ad perfectionem pertinet perfecta observantia praeceptorum caritatis. . . . Tertio modo pertinet aliquid ad perfectionem instrumentaliter et dispositive, sicut paupertas, continentia, abstinencia et alia huiusmodi."

centuries of which we speak, the period of the Black Plague, in the middle of the fourteenth century, the Schism (1379–1417) and the birth of the Observances, arising from a multiplicity of reasons—not least of which were the solicitations of a society in the midst of a great commercial and spiritual development.

As for the Dominican Order, the reform of the Observances¹² began at the start of the Mastership of Raymond of Capua (1380–1399). A certain number of attempts at reforming the Order had timidly appeared in the preceding years, but all to no avail.¹³ Raymond instigated works of renewal which, for their thoroughness, would enjoy a wide-spread success among the Roman obediences. On 1 November 1390, a decree was promulgated that reckoned on the presence of at least one monastery of strict observance in every province. He relied totally on the creation of strongly motivated groups for reformed life instead of simply passing of laws with severe disciplinary intent. For this purpose, he nominated certain vicars to supervise the application of the reform. However, he did not manage to avoid the division of the Order between the so-called conventuals, who refused the path towards renewal, and the observants, as we shall see. The propagation of the reform was not easy¹⁴ but, in time, friars belonging to the observant branch became significant personages within the Order. It is sufficient to recall such people as Conrad of Prussia for the reform in Germany,¹⁵ Giovanni Dominici followed by Antonino of Florence for the reform in Italy, not to mention the first general from the observant side, Conrad of Asti (1462–1465). With the passing of time, however, the reformative ardour which had characterised the beginnings of the Observance, had to reckon with the hardship of the conditions which the new arrangements had established in all

¹² A very good synthesis on the reform of the Observances in the Order of the Preachers is in William Hinnebush, O.P., *I Domenicani. Breve storia dell'Ordine*, trans. Stefania Baldini (Cinisello Balsamo, 1992), hereafter cited as Hinnebush *I Domenicani*, in particular 143–157.

¹³ Cf. Daniel Antonin Mortier, O.P., *Histoire des maîtres généraux de l'Ordre des Freres precheurs*, 8 vols. (Paris, 1903–1920), 3–4 (hereafter cited as Mortier, *Histoire des maîtres généraux*).

¹⁴ For the reform in Italy, see: Raymond Creytens, O.P. and Antonio D'Amato, "Les actes capitulaires de la congregation Dominicaine de Lombardie (1482–1531)" *Archivum Fratrum Praedicatorum* 31 (1961), 213–306 and for a synthesis also Bailey "Religious Poverty", 473–474.

¹⁵ For the reform in Germany: Eugen Hillenbrand, *Die Observantenbewegungen in der deutschen Provinz der Dominikaner in Reformbemühungen und Observanzbestrebungen*, 219–271 and related bibliography.

the reformed convents. It again became the practice, especially as far as food and possessions were concerned, to have recourse to private distribution, so greatly disapproved of at the beginning of the Reform as being the most obvious sign of the moral decadence of the Order. At the beginning of the fifteenth century—when *caritas refriguit*—even Antonino of Florence, vicar general of the Observants in central Italy, asked Pope Martin V for an indult for the convent of S. Marco of which he was prior. Pope Sixtus IV, with the *Considerantes* bull of 1 July 1475, granted at the demand of Master General Leonardo Mansueti,¹⁶ finally conceded to the Order the right to possess property.

We shall trace the path which culminated in the Sistine conciliations, starting from the initial austerities of the reform which had, as its supporting columns, the faithfulness to the dictate of the Constitutions, that is to say, to the wish of Dominic of absolute poverty (*altissima paupertas*) both personal and of the community, abstinence and the participation in the divine office.

We shall begin with the *status quaestionis* in the period immediately preceding the *caesura* brought on by the reform between observants and conventuals. We said that between the first half and the end of the fourteenth century the discussion about poverty and the ways to maintain and pursue it, amongst which was mendicancy, was characterised by an almost juridical structure. Two examples are useful to show this. The first is a *quaestio de possessionibus*, described by Iohannes de Biblia,¹⁷ a Bolognese preacher and master of the first half of the fourteenth century, belonging to a series of 20 (or 28 according to Taegius) scholastic *quodlibeta*. This is an indication as to how the subject was easy prey for controversies, howsoever technical, within the Order. The second example was an actual consultation request, from between 1333 and 1341, from Master general Hugh of Vaucemain to Peter Paludanus, a Parisian master and reader of the Sentences, when certain measures put into practice by Pope Benedict XII seemed to threaten the autonomy of both the Order and of its Master General with regards to their dispensation from taking vows of absolute poverty.

¹⁶ For his biographical profile, see Mortier, *Histoire des maîtres généraux* 4:488–514.

¹⁷ For the bibliography concerning his life and works, see Thomas Kaeppli, O.P., *Scriptores Ordinis Praedicatorum Medii Aevi*, 4 vols. (Rome, 1970–1993), 2:385–386 and 4:144 (hereafter cited as Kaeppli), Roberto Lambertini, *Iohannes de Biblia Bononiensis: la povertà dei frati predicatori in un frammento del suo «quodlibet» in Praedicatorum/doctores. Lo «studium generale» dei frati Predicatori nella cultura bolognese tra il '200 e il '300*, ed., Roberto Lambertini (Firenze, 2008).

The works of Iohannes are unpublished and are preserved in but a few manuscripts, at times filled with *lacunae*. The *Quaestio de possessionibus* is in the codex of the Biblioteca Nazionale Centrale of Florence, *Conventi Soppressi* J.10.51,¹⁸ from the convent of S. Marco in the very same city, at fols. 213^r–214^v, datable from the fourteenth century, and therefore contemporary with the author. The question is very specific: namely whether it is possible to consent to the religious men selling the possessions which have been left to them by testament.¹⁹ Iohannes begins by illustrating what poverty is, in its essence, as one of the three objects to which a friar makes his vows. He says that poverty means not possessing anything of one's own. However it is possible to share possessions in common which can be moveable or of real-estate, the latter being either separate or attached to the convent. Very realistically, Iohannes notes that no Order lives on charity alone with no other resource,²⁰ though there are convents which live merely on the interests from their own possessions. Clearly the Bolognese master starts off with the situation he has in front of his eyes and tries to fix his argumentation beginning with *consuetudo*. As we shall see, it is precisely the consolidated customs of the life of the brethren which will become the strong point of the Conventuals in the debate against the Observants who wanted to reform them.

To have possessions is thus inevitable, as Iohannes claims, but these must be limited according to the real necessities of the convents. The concept is clearly taken over from Thomas Aquinas who defines poverty as a measure whose order of magnitude is given according to the aims one wants to achieve by its means.²¹ But it is also an anticipation of that which the general Chapter of Valencia, in 1337, establishes:

¹⁸ For a description of the datable unity of the ms. see *I manoscritti datati del fondo Conventi Soppressi della Biblioteca Nazionale Centrale di Firenze* (Florence, 2002), 146, no. 192, tav. CLXI.

¹⁹ BNCF, Conv. soppr. J.10.51, fol. 213^r: "Utrum liceat religiosis possessiones jure legati eis relictas ad vitam alicui vendere."

²⁰ BNCF, Conv. soppr. J.10.51, fol. 213^r: "Nulla autem religio est que vivat de elemosinis et nihil penitus habeat. Quia in elemosina transfertur proprietas in recipientem et non potest separari usque usque (sic) a proprietate ex natura rei."

²¹ Thomas Aquinas, O.P., *Summa theologiae* IIa-IIae q. 188 a. 7, published in *Sancti Thomae de Aquino Opera omnia*, vol. 10, *Secunda secundae Summae theologiae: a quaestione 123. ad quaestionem 189*. (Roma, 1899): "Respondeo dicendum quod, sicut supra dictum est, perfectio non consistit essentialiter in paupertate, sed in Christi sequela ... paupertas autem est sicut instrumentum vel exercitium perveniendi ad perfectionem. ... Sed si res exteriores non quaerantur vel habeantur nisi in modica quantitate, quantum sufficiunt ad simplicem victum, talis sollicitudo non multum impedit hominem. Unde

(We) declare that by religious mendicants the Constitution means not only those religious mendicants who do not have any possessions, neither in common nor of their own, but also those brethren who, though they have possessions, given their paucity, have habitual recourse to begging as a community.²²

These are the very same contentions which John of Dambach would make a few decades later and with greater expository articulation. He was another Dominican occupied with the defense of the brethren against the accusations and measures taken by the community of Cologne, in his *Tractatus de proprietate mendicantium* (1362).²³

Iohannes de Biblia concludes by claiming that the brethren should best rid themselves as quickly as possible from possessions acquired through testaments which go beyond the necessities of the convent and distract the brethren from their duties, by absorbing them in the care of the possessions and their fruition. However, if it is impossible to sell it at the right price, the brethren have the right to hold on to the goods until they find an acceptable solution, since a thing cannot be said to be possessed unless one has it with the spirit of holding on to it.²⁴

Iohannes's solution seems to be a compromise which takes into account the vow of poverty with a practical sense—convents have possessions because it is legitimate to share goods in common and impossible to live off mendicancy—but also with a great respect for measure—thus, not to risk the violation of declared poverty by the Mendicants—which is to be fixed with precision and subsequently observed, at the cost of selling off what has been conspicuously left by testament. Probably the *quaestio* has its origins in specific events related to the Bolog-

nec perfectioni repugnat Christianae vitae. Non enim omnis sollicitudo a domino interdicatur, sed superflua et nociva ... Ex quo patet quod habere superabundantes divitias in communi, sive in rebus mobilibus sive immobilibus, est impedimentum perfectionis, licet non totaliter excludat eam. Habere autem de rebus exterioribus in communi, sive mobilibus sive immobilibus, quantum sufficit ad simplicem victum, perfectionem religionis non impedit, si consideretur paupertas in comparatione ad communem finem religionum, qui est vacare divinis obsequiis."

²² "Declaramus hanc per religiosos mendicantes non solum intelligit Constitutio illos religiosos qui possessiones non habent nec in communi nec in proprio, sed etiam illos religiosos qui possessiones habeant, propter tamen eorum exiguitatem consueverunt communiter mendicare". Ed. in *Monumenta Ordinis Praedicatorum Historica* 4:244. Also ed. in Mortier *Histoire des maîtres généraux* 3:129–130, n. 2 and in Löhr "Die Mendikantenarmut", 413.

²³ Cf. Löhr "Die Mendikantenarmut," 395–415.

²⁴ BNCF Conv. soppr. J.10.51, fol. 214^v: "Quia non dicitur res teneri quin tenendi animo non tenetur."

nese convent at the time in which Iohannes was the *auditor*, at the beginning of the century. In addition, the collection of *Quodlibeta* to which it belongs appears to be dispersed; it would seem thus that the *salubre consilium* of the Bolognese Dominican did not have a great influence on the discussion which acquired subsequently a far wider extension. On the other hand, a trace of the fact that things could have gone differently and that Iohannes's conclusions, beyond the scarcity of the manuscript tradition, did receive some consideration is precisely the manuscript BNCF Conv.soppr. J.10.51, in which the only copy of the *quaestio* has come down to us.

The codex is composite, formed by a number of codicological units belonging to different periods, between the 14th and the 15th centuries, in which are gathered texts which, directly or indirectly, are related to the problem of possessions and the poverty of the brethren. We know how this question was inextricably tied to another concerning the infallibility and the powers of the Pope in the previous century, as also Thomas' doctrine teaches us. It is indeed not a chance coincidence that we find in the codex three important treatises: the *De potestate papae* (1317–1318) by Haerveus of Nédélec at fols. 1–44, the *Tractatus de potestate summi pontificis* (1327) by Guido Vernani at fols. 45–59, the *De iurisdictione imperii et auctoritate summi pontificis* (1280 ca.) by Ptolemy Fiadoni of Lucca at fols. 155^v–170.

In the same miscellany, composed with great care in its choice of works, some of the most specific texts concerning our subject are found, in particular the *Tractatus super casu de Monte* by “Dominic Pantaleoni” at fols. 199–200, the *Quaestio de possessionibus* of Iohannes de Biblia at fols. 213–214^v, the *Littera de redditibus et possessione fratrum* by Peter Paludanus (1333/1341) at fols. 214^v–216 and the *Quaestio de paupertate* by Raymond Cabasse at fols. 218–225, of whom we shall speak later on. Of all this second group of texts, the only one to have had a great influence—and to have been widely diffused and known—is the text by the Parisian theologian Peter Paludanus, which we turn to presently. The others, though little known to us, take on significance from the fact that they are voluntarily copied out within the same codex in which important texts are gathered as the one by Haerveus. This means that in the 15th century, at the time of the assembling of the manuscript, these texts had—for the friars of the library of S.Marco where the codex was made—a particular relevance. Most of all, being read together with others far better known to us, these texts confer to the question a confluence of views regarding the Order, contributing to the formation of an historical

conscience of the signification of poverty—and hence of mendicancy—for the Preachers. It is not by chance that there are no texts within the collection written by the Observants, such as Giovanni Dominici or Johannes Mulberg,²⁵ whose positions were extremely rigid, to the point of inapplicability.

Let us move on to an examination of the second example related to the solutions adopted in the fourteenth century: the letter of Peter Paludanus. The author is known for having been involved in all the great debates of the period, from those against Durand of Saint Pourçain concerning Thomistic doctrine, to the discussion on the power of the pope and on the poverty of Christ and the Apostles, to the controversy surrounding the rights of the regulars against Jean de Pouilly, to the debate over the Joachimite theses diffused by Peter John Olivi in his commentary on the Apocalypse.²⁶ Here, we are interested in his position concerning the religious status of poverty and how he considers the practice of mendicancy. The letter²⁷ he sent to the master general Hugh of Vaucemain in answer to a series of requests for a *consilium*, can illuminate us somewhat. The occasion for it was the clash between Hugh and Pope Benedict XII (r. 1334–1342) who had the intention of reforming the Order but who faced a firm opposition. Whether this was based on ideological grounds (the radical change of the Constitutions on mendicancy and on poverty) or administrative grounds (limitation on the use of dispensations on behalf of the Master) is yet to be clarified.²⁸ Be this as it may, Peter theorised the validity of the power for dispensation on behalf of a *praelatus*—and we shall see how the interpretation of this term would be the source of new controversies in Observant times—for a reasonable cause and a determinate time. It would be, in any case, against the Constitutions in use that the whole Order should possess goods, though not against the vow. For the Preachers do not vow to treasure the Constitutions, but rather

²⁵ His *Tractatus contra beginas et beghardos* however received a limited diffusion within the ancient province of Teutonia. For bibliographical information on him, see Sabine von Heusinger *Der observante Dominikaner Johannes Mulberg († 1414) und der Basler Beginenstreit*, (Constance, 1999) and Bailey “Religious Poverty”, 466–473; Kaeppli 2:491–492 and 4:163.

²⁶ For the bibliography concerning him, cf. Kaeppli 13:243–249 and 4:234.

²⁷ Ed. in Mortier, *Histoire des maîtres généraux* 3:131–132, n. 1.

²⁸ Mortier, *Histoire des maîtres généraux* 3:130–132, inclines towards the hypothesis that it had been the pope’s wish to suppress the statute of mendicancy which unleashed the clash, whilst a different opinion is pursued in Hinnebush *I Domenicani*, 91–92.

to obey in their light. Given the times, if a friar or a convent should find himself lacking in the necessary things for life, dress, or books for preaching, this would be considered a sufficient reason to dispense that friar or that convent from the vow of poverty, with regards to what pertains to the prohibition of having some income and possessions.²⁹

However, the power to dispense was abused and was one of the first points which Raymond of Capua and his reformers attacked, with the intention of purifying the Order. And yet, though Raymond had arranged the reform in the most gradual way possible, especially after his death, the so-called Vicars in the various provinces began to meet with the first strong blocs of opposition. They reacted to these by solidifying their own positions. The focal point of the discussion became the private or shared properties and the strict loyalty to the word of the Constitutions, in particular to the word of Dominic who, on his death bed, had cursed those who, amongst his brethren, had not adhered to the mendicant poverty he had indicated.

As Bailey rightly notes,³⁰ the second generation of observant reformers, i.e. the generation operating under the general master Bartholomew Texier (1426–1449), would mitigate its own positions on mendicancy and poverty. But we shall also see, thanks to the works of Creytens,³¹ how the Conventualist branch did not remain silent at all, and even had its own small victories at a practical level. All sides however—Observants of the first or second generation, Conventualists and even friars of Avignonese observance—attempted a new theoretical synthesis of the problem, because of the displacement of the center of gravity of the discussion

²⁹ BNCF Conv. soppr. J.10.51, fol. 214^v: “Pater reverende, non videtur mihi esse contra votum paupertatis habere redditus et possessiones ... Est autem contra Constitutiones nostras quod totus Ordo ista habeat, manentibus Constitutionibus in suo statu. Sed tamen propter hoc non est contra votum nostrum, quia non vovimus servare Constitutiones sed promittimus (sic) obedire secundum illas ... Quia vero in eisdem Constitutionibus cavetur quod in casibus particularibus pro loco et tempore prelati in eis valeat dispensare ex causa rationabili.”

³⁰ Bailey “Religious Poverty,” 473–474.

³¹ R. Creytens, O.P. “Un *consilium* de François Zabarella et de Jacques de Piémont relatif aux Observances dominicaines” *Archivum Fratrum Praedicatorum* 22 (1952), 346–380; Creytens, O.P. “L’obligation des Constitutions dominicaines d’après le Bx. Jean Dominici O.P.” *Archivum Fratrum Praedicatorum* 23 (1953), 195–235 (hereafter cited as Creytens “L’obligation”); Creytens, O.P. “Raphaël de Pornassio O.P. († 1467). Vie et oeuvres” *Archivum Fratrum Praedicatorum* 49 (1979), 145–192; Creytens “Raphaël de Pornassio O.P. († 1467). II. Les Écrits relatifs à l’histoire dominicaine”, *Archivum Fratrum Praedicatorum* 50 (1980), 117–166.

from self-defense against an external point of view, be it from the city, the seculars, the university *magistri* or the humanists,³² to an internal discussion on questions of principles which were consequently put into practice, or questions of preservation of the *status quo* (for the Conventualists) or of administrative prevalence (for the observant vicars inside the Provinces).

We shall begin with the first theoretical framework given to the question in the 15th century, a reference point for all the others, namely the *Tractatus de proprio* by Giovanni Dominici, and then move on to a review of the positions of two friars who confronted him with a different vision of things, Raphael of Pornassius, conventualist, and Raymond Cabasse, of the Avignonese obedience. Lastly we shall consider the conciliation made by Antonino of Florence in book III of his *Chronicae*.

Giovanni Dominici,³³ after entering the Order of the Preachers in Florence, in the convent of Santa Maria Novella where he studied and became subsequently *lector* in theology, became in 1391 the General Vicar of the Observance in Italy. With this qualification, he reformed many communities, as well as founded new ones, such as the female monastery of Corpus Christi in Venice, and that of San Dominico at Fiesole to which belonged a young Antonino, disciple of Dominici from 1405. The reformation found opposition among a certain number of convents, connected to their ancient profession, but also in governments which saw with an eye of suspicion the expansion of radical religious ideas. Chased from Venice in 1399 for having organised a public manifestation of adherence to the ideal of the so-called Bianchi, he returned to Florence. The death of Raymond of Capua a few months later unleashed the opposition which his methods of reformation had aroused and Boniface IX suspended Dominici from his office as Vicar General. He remained a lector at the Florentine *Studium* until he was elected, as loyal

³² One may think here of Poggio Bracciolini, who in his *Contra hypocritas* violently attacks the religious observants, considered to be whitewashed sepulchres. The arrows of his criticism hit both Albert of Sarteano, a Franciscan, and Giovanni Dominici, Dominican, see *Contro l'ipocrisia: i frati ipocriti* ed., trans. Giulio Vallese (Napoli, 1946) in particular at 38–41 and 97–99; on Giovanni Dominici see 104–106 and also Cesare Vasoli *La Scolastica in Italia e la cultura ecclesiastica nel Quattrocento, tra continuità e innovazione in Storia della Teologia. III. Età della Rinascita*, ed., Giulio D'Onofrio (Casale Monferrato, 1995), 83–160, in particular 126–130.

³³ For a complete biographical profile of Giovanni Dominici see the entry *Banchini, Giovanni di Domenico* in *Dizionario Biografico degli Italiani*, (Rome, 1960–), 5:657–664; see also for his works and updated bibliography Kaeppli 2:406–413 and 4:148–149.

counsellor to Pope Gregory XII, bishop of Ragusa in 1407 and then cardinal of S. Sixtus. He remained loyal to the Roman pope and died at Buda in 1409.

The *Tractatus de proprio*, or more precisely *De proprio, an conveniat fratribus Ordinis Praedicatorum in communi aut in particulari* is unpublished and can be found in manuscript form in three known codices,³⁴ though certain parts of it have been published by Löhr and by Creytens.³⁵ It was written at the solicitation of the Provincial of the Roman province, Federico Frezzi, and marks a new way of approaching the question: through the artful usage of rhetorical and biblico-exegetical norms. These give the argumentation an ideal valence, freed from immediate political contours. In the first part of the treatise (fols. 1^r–8^r) Dominici illustrates in twelve points all the arguments which, in the history of the discussion of the subject, have been put forward by those who justify the legitimacy of possessions. Read within this schema, all the points appear as excuses, wrapped up in juridical *formulae*, for a corrupted reality twisted in order to maintain his own privileges. After a rich prologue of quotations and refined rhetorical *formulae*, we find ourselves facing a schematic treatment of the arguments which reproduce, in the form of a parody, the logical-juridical style of the treatise-writing tradition on the theme. In the list, we find the points as we know them from writings from preceding decades: to have possessions is neither against the following of the apostolic life nor with the profession of the Preachers, who only vow to obey their superior according to the rule and to the Constitutions;³⁶ many popes in the past conceded to the Orders the right to enjoy the interests of their possessions and consented that they should have possessions, so that it became the norm which should incite to constitute a *jus novum* in virtue of the changed times; real estate goods are useful for

³⁴ Bamberg, Staatsbibliothek, Theol. 117, fols. 201^r–249^f, for which see Friedrich Leitschuh und Hans Fischer *Katalog der Handschriften der Königlichen Bibliothek zu Bamberg* (Bamberg, 1887–1912, 1966), 738, Florence, Biblioteca Nazionale Centrale, Conv. soppr. C.9.1121, fols. 1^r–63^f, for which see Gabriella Pomaro “Censimento dei manoscritti della Biblioteca di S. Maria Novella. Parte II: Sec. XV–XVI” in *Memorie Domenicane*, n.s.13 (1982), 203–353 (244), Nürnberg, Stadtbibliothek, Cent. III.83 (a. 1441), fols. 51^r–74^f, for which see Karin Schneider *Die lateinischen mittelalterlichen Handschriften. Teil 1. Theologische Handschriften* (Wiesbaden, 1967), 236.

³⁵ Löhr “Die Mendikantenarmut”, 417–427 (*excerpta*); Creytens *L’obligation*, 207–235 (a. 4 *de obligatione*).

³⁶ Cf. Petrus de Palude, O.P. *Littera responsiva* ed. in Mortier *Histoire des maîtres généraux* 3:131, n. 1 and above, 345–346.

the practicing of the mission, as curing the sick for example; there is no norm which should prohibit possessions, even the Roman Curia tolerates them, but even if there were some impediment of a normative type, in time of need, a Most General Chapter can allow modifications.³⁷ Lastly, we find a polemical reading of the q.188 a.7 of Thomas' *Secunda Secundae*: the main goal of the Order is to preach, all that which distracts the friars from their mission must be eliminated, for this reason, they should be furnished with great quantities of money, wine, food and oil.³⁸

Let us read in particular point nine, concerning mendicancy and its presumed incompatibility both with the times and with study and with the dignity of the Preachers who, otherwise, would have to deal with manual work and with people of dubious trustworthiness. Indeed, as Dominici summarises, times had changed very much and it was no longer possible to beg, because various circumstances advised against it. First and foremost, donations are dwindling because charity has cooled off (*refrigescente caritate*—a leitmotiv of the times). Preaching requires a longer time of preparation than it used to, insofar as heresy and new sects are multiplying. In addition, the seculars do not have respect anymore, neither for the friars nor for the clergy and there is a lack of lay friars who used to deal with the daily collection whilst at the same time the number of people asking for charity has risen.

The answer of Giovanni Dominici to all the motivations presented is only this: that the God of truth is contrary to all of these for the following reason, namely because children must obey their father. The father of the Preachers is Dominic who has established the Order in such a way that it be deprived of material goods, and not only that, but he has also left a curse against those who would go against his wishes. Therefore, if the Order possesses goods today, it differs greatly from what Dominic had wished for. He then develops in twelve points his arguments against those presented at the beginning.

We can summarise into three classes of considerations what Giovanni Dominici presents in this part of the Treatise:

³⁷ Cf. Petrus de Palude, O.P. *Littera responsiva* ibid.

³⁸ Thomas Aquinas, O.P. *Summa theologiae* IIa-IIae q. 188 a. 7: "Ex quo patet quod conservare pecuniam, aut quascumque alias res communes, ad sustentationem religiosorum congregationis eiusdem, vel quorumcumque aliorum pauperum, est conforme perfectioni, quam Christus docuit suo exemplo."

1. The correct interpretation of the rule of Dominic
2. The correct interpretation of the Constitutions
3. How the brethren can modify the *consuetudo* such as to better adhere to the precepts of the founder

With regards to the first point, Dominici is very clear:

It is clear that whoever has his own possessions, has them against the prohibition of his superior, that is, God, the Church, the Rule, Saint Dominic, the most general Chapter, the Constitutions ... Similarly I say that having possessions in common within this Order, according to the Rule, will be a mortal sin.³⁹

He could not be more categorical. The Order has been founded for preaching and Dominic wanted it to be without possessions, with the exception of the few things which are useful to the community within modest measure. Only thus can the ideal of perfection be pursued, which Thomas also eulogises in the *Summa*.⁴⁰ Note that up to this point the Thomistic doctrine had been used to justify the property of moveable and real-estate goods, considering poverty as accessory in view of the principal ends of the Order. Thomas himself is manifestly very cautious with regards to this matter, given that hanging in the balance is the credibility not only of the Order he belongs to, but also that of the ecclesiastical hierarchy, which, in theory, should have abided by apostolic poverty. In fact, Thomas' conclusions go in the opposite direction, as we saw.

The interpretation of the Constitutions and of *consuetudo* are based on the same line of loyalty to the word of the Rule. In no way, not even through a decision in opposition to the General Chapter, is it possible to deviate from the constitutional precept which prohibits property, not even the *consuetudines*, are a sufficient reason to drive a superior, provincial or general, to dispense from a constitutional law.

Lastly—and here is the point which brings us right into the theme of this chapter—if, because of the rigidity of these norms, the brethren should find themselves without food or clothing, here is what they should do: avoid all useless expenditure, return to live in a community and,

³⁹ Iohannes Dominici, O.P. *Tractatus de proprio* BNCF, Conv. soppr. C.9.1121, fols. 20^v–21^r: “Certum est quod quicumque habet possessiones in particulari, habet contra inhibitionem sui superioris, scilicet Dei, Ecclesiae, regulae, b. Dominici, capituli generalissimi, constitutionum ... Similiter dico quod habere possessiones in communi huic Ordini secundum regulam erit mortale peccatum”.

⁴⁰ Thomas Aquinas, O.P. *Summa theologiae* IIa IIae q. 183.

following the example of the Founder, go two by two, preaching and begging, for this is what Dominici himself did when he was preaching at Santa Maria Novella in Florence in 1400.⁴¹ The preacher should not live from the entries of the convent which come from possessions but should manage with charity; if this proves impossible, he must enter an observant convent.

In this second part of the Treatise, Giovanni Dominici abandons the pseudo-juridical schematicism of his “adversaries” and goes back to his habitual mode of expression—passionate, and at once refined—which distinguish his works. He draws the picture of a community of brethren competing with the rich of the times in wealth of ornaments and profane banquets, or who do not even live within the convent and are ready to do anything for money or honors. His judgement is trenchant, with no middle way, with no understanding for the hardship of the times in which they live, with no indulgence for the acquired customs: St. Dominic has demonstrated that the ideal can be lived over one’s own flesh and whoever has professed according to the Rule must accept what that rule imposes.

The severity with which Dominici, in the same years in which he was writing the Treatise, applied the reform of the Observance aroused a great deal of hostility and strong opposition. It can be useful here to quote an example, since it closely concerns the discussion about poverty and mendicancy. The Dominican convent at Padua in 1397 turned to two renowned jurists in order to save their autonomy in making decisions concerning their customary practices. Francesco Zabarella and Giacomo of Piemonte were called forth to resolve the controversy laid out in six points:⁴²

1. Did the convent of Padua have the right to possess or accept possessions or yearly revenues or other real-estate goods?
2. Whether it is lawful not to share charity in common and whether a superior may take away from the brethren his own possessions, even without a reasonable cause to do so.

⁴¹ BNCF C.9.1121, fol. 56^v: “Tandem primi lapidis fundamenti sui ordinis capiscant exordia: bini et bini predicantes descendant per civitates et castra, villas et oppida cum domino Jesu Christo, apostolis et discipulis sanctis, suo mirifico patre beato Dominico suisque posteris iustis adnuntient penitentiam et remissionem peccatorum et regnum Dei, facientibus illam et non marcentibus otio, sub uno tetto et unius sportule specie hostiatim panem petentibus.”

⁴² Ed. following the Grenoble ms., Bibl. publique 587, fols. 60^r–74^r in Creytens “Un *consilium* de François Zabarella,” 355–380.

3. Whether the masters in theology, the bachelors in arts and students can be exempted from the choir in the divine office and from meals in the common refectory.
4. Whether it may be conceded to sick brethren to eat meat.
5. Whether it is lawful that there is a convent in which there are only those who apply the rule with no use of dispensations. The question refers to the fact that often in reformed convents, those brethren who remained conventualists were forced at some point to leave.
6. Whether a Master General could remove a convent from the jurisdiction of its provincial without the latter being found guilty or deficient in any way. The decision to place the Vicar in virtue of the application of the Observance above the provincial of the places in which the reform was being imposed, was a cause of strong disagreement.

The jurists, naturally without taking the side of either of the two “factions,” declare as irreproachable, from a juridical point of view, the two principles of the *consuetudo* and of the dispensations, and approve the Paduan brethren. A few years later, Raymond of Capua reinstituted the convent of Padua under the jurisdiction of the provincial of Lombardy. It was thus a small victory which was a sign of the tension of the times which, however, did not seem to have had much resonance since none of the conventualists who followed the debate concerning possessions, seemed to have been aware of it.⁴³

It was not even known to Raphael of Pornassius, a conventualist Dominican, who had professed in the convent of S. Domenico in Genoa and subsequently became *lector* and *magister* of theology, living in Bologna and also Milan, where he held the function of deputy.⁴⁴ Known for his aversion to the new discipline of the reform, he was nevertheless described as a man of integrity and an enemy of any form of relaxation of the customs of the brethren. He was nominated also as spiritual director of the nuns of the monastery of SS. James and Philip at Genoa in 1451, even though it was a reformed monastery.

The treatise known as *De communi et proprio* is in fact a long answer to the 37 questions which his nephew Dominic Conti, also a preacher, had addressed to him around 1450 when the ideal applied in the reformed

⁴³ For a complete overview of the *consilium* in question, see Creytens, “Un *consilium* de François Zabarella,” 346–380.

⁴⁴ A wealth of bibliographical information about him and his works are found in Creytens, “Raphaël de Pornassio O.P.” and in Kaeppli 3:296, 4:251–257.

convents began to win him over too, though he remained undecided as to what to do. The first question concerned poverty and the practice within the Order; it occupied over half of the treatise and had a remarkable publication history, especially in the 1500s, as the editions listed by Creytens show.⁴⁵ Significantly, some of the sixteenth century editions consist of collections of polemical writings on the question of poverty, reuniting the *Contra impugnantes* of Hervaeus of Nédellec and the Letter of Peter Paludanus together with Raphael's *De communi et proprio*.⁴⁶

As Dominici had done, Raphael too treats the theme in a very general manner and at a theoretical level, rather than dealing with particulars, without referring to the circumstances of any convent in particular. The question which has been posed is the following: should modern brethren be considered proprietors if they possess for themselves books, clothing and money? The matter implied the stain of mortal sin according to the recent doctrines of Giovanni Dominici as we saw. With a simple and direct argument, Raphael faces the problem, taking three fundamental aspects into consideration:

- a) the difference between *dominium* and *usus*;
- b) a limitation applied to the use of money;
- c) the role of the superior

As to the first point, the author clearly affirms that the possession of goods is prohibited, since a brother has renounced them by professing his obedience to the general master according to the Constitution. But goods may be held on to for fruition, under the control of the superior authority, as jurists of the calibre of Giovanni di Andrea confirm.⁴⁷ Secondly, if these goods be movable, they should be used, supported by a dispensation of the superior, for real and cogent needs and not for imaginary and fictitious ones.

Lastly, the central and most critical point, concerns the person of the superior, the *praelatus* whom Peter Paludanus speaks of as well, and who is not by chance explicitly named by Raphael, often referring back to

⁴⁵ Creytens, "Raphaël de Pornassio O.P." I, 172–175.

⁴⁶ See the printed editions in Venice by Lazzaro Soardi in 1506, 1507 and 1516. Cf. EDIT16 CNCE (this acronym identifies the files of the Italian national census of the 16th century edition: <http://edit16/icc.sbn.it>) 17455, 17458, 17470.

⁴⁷ Note how the claims of the jurists are used by both opposing sides, conventualists and observants, cf. Iohannes Dominici, O.P., *Tractatus de proprio* chap. 3 and Iohannes de Dambach, O.P., *Tractatus de proprietate mendicantium*, Löhr "Die Mendikantenarmut", pp. 423 and 395–415.

juridical sources such as the *consilia* of Giovanni and Gaspare Calderini. The superior must exercise a strict control over the dispensations he grants so that there should not be any abuse of them. The author here is criticising Giovanni Dominici, saying⁴⁸ that he interprets the qualification of *praelatus* in a too restrictive way, as attributable only to God, the Church, the Rule, and to St. Dominic. Rather the Constitutions grant to the local superior the power for dispensations in matters of observance for sensible reasons, including material necessities. Nothing is further away from Dominici's thought but, at the same time, this is slippery ground, walking on the fine thread of canonical law. He defines as superior the abbot of a monastery, to whom the monks vow obedience, whilst in the Order of the Preachers, the brethren profess directly to the master general. In this way, the Constitutions are called upon in order to justify the usage of the dispensations; otherwise the argumentation would have led to declaring unlawful the local superiors who granted dispensations in great quantity. The Treatise continues with long quotations from the acts of the general Chapters from the thirteenth and fourteenth centuries, in order to demonstrate that the *consuetudo*, if lived with moderation has never been a source for scandal and that, though strict observance is laudable, it has never been the only path to perfection.

Raphael is far from the passionate argumentations of Dominici. He adopts a language of caution and diplomacy. In 1450 he had been a step away from becoming the director of a monastery of observant nuns, which may have suggested this reserve. He completely abandoned this moderation when he wrote a letter to his nephew about the state of the Observance at a later date,⁴⁹ here is an extract from it:

You must guard yourself by all means from finding yourself amongst them! ... All they do, they do in order to be looked upon by other men ... Your destiny must not be amongst them. It is however good and laudable advice that of living with those who chose a quiet life, far from the

⁴⁸ Raphael de Pornassio, O.P., *De communi et proprio*, chap. 12: "Sed quis sit ille superior, qui potest dare hanc licentiam? Dico ... quod est ille cui professus se obligat in professione, id est cui obedientiam promittit ... Ex quo patet quod dominus frater Ioannes Dominici nimis stricte intendit dictum in suo tractatu, quem consimili materia fecit, quod superior est Deus, Ecclesia, Regula et b. Dominicus et quod isti inferiores non possunt dispensare." Cf. Creytens, "Raphaël de Pornassio O.P." II, 125, n. 27 and Löhr "Die Mendikantenarmut," 426.

⁴⁹ The dating of 1450–1451 is an hypothesis advanced by Creytens, "Raphaël de Pornassio O.P." II, 158.

uproar of secular life, from troubles and worries, far from the fluctuations of the times, in effect they are as if in a port. One should look however on which side stands that port . . . If you wish not to err, you should know that in every office within the Church, there are false people.⁵⁰

However, Raphael of Pornassius could not stop his nephew from entering a convent of Observants.⁵¹ His conciliatory positions concerning the regime of poverty would be taken up again by Antonino of Florence at the end of the century. Before examining the claims of the Florentine archbishop it is important to read another more or less coeval text, the *Quaestio de paupertate* by Raymond Cabasse, probably written in the first years of the fifteenth century, found in three codices—though it was little diffused and never published.⁵² The passages we will quote are from the Florentine manuscript, whose worth we are already aware of with regards to the criticism of the question of poverty amongst Florentine Dominicans.

We know very little about Raymond,⁵³ other than he was *lector* of Sentences at Toulouse (1389), principal lecturer at the convent of Montpellier between 1391 and 1393, and finally *magister* in theology and master of studies always at Montpellier, between 1421 and 1422. It is important to underline here that Raymond was connected to the Avignonese obedience and he is the only voice from that part of the Order of whom we know the opinion thanks to the claims we shall treat.

The question posed to Raymond was the following: is it lawful that preachers should have possessions or perpetual income? In his answer he remained tied to the established manner of presenting the question, namely by arguments in the negative and in the positive. He thus

⁵⁰ Raphael de Pornassio, O.P., *De transitu ad observantialem statum*, ed. in Creytens, "Raphaël de Pornassio O.P." II, pp. 158–160: "Tibi igitur summopere est cavendum ne istorum numero inveniaris! . . . Omnia opera sua faciunt ut videantur ab hominibus. . . . Non ergo cum hiis sit sors tua . . . Tamen bona cogitatio et laudabilis esse cum talibus qui elegerunt sibi vitam quietam, remoti a strepitu seculari, a turbis inquietis, a magnis fluctibus seculi, tamquam enim in portu sunt. . . . Si non vultis falli, scitote omnem professionem in ecclesia habere fictos."

⁵¹ Creytens, "Raphaël de Pornassio O.P." II, 119.

⁵² Basel, Universitätsbibliothek, A.X.45, fols. 262^v–267^v, Florence, Biblioteca Nazionale Centrale, Conv. soppr. J.10.51, fols. 218^r–225^r, Vatican City, Biblioteca Apostolica Vaticana, Ottob. lat. 32, fols. 175^r–184^v.

⁵³ For the meagre biographical references, see Kaeppli 3:279–280 and the almost untraceable Konrad Eubel, *Die Avignonesische Obediens der Mendikanten-Orden, sowie der Orden der Mercedarier und Trinitarier zur Zeit des grossen Schismas; beleuchtet durch die von Clemens VII. und Benedikt XIII. an dieselben gerichteten Schreiben* (Paderborn, 1900), 68 n. 575.

demonstrates that he had not considered Dominici's *Tractatus de proprio* and, in any case, he refers back to a school which followed, in full humanistic swing, the *via antiqua* of scholastic thought, while dissociating himself also from Raphael of Pornassius. He rather turns to a type of quodlibetal literature which used to be read before the Great Western Schism, namely to Iohannes de Biblia and his contemporaries. His conclusions also seem to be closer to the Bolognese Dominican, though the elaboration of the argument is articulated and exposed in a more controversial manner. Whilst Iohannes de Biblia's *salubre consilium* was clear and synthetically exposed, Raymond seems to want to put more subtlety into his use of terms, distinguishing between the *legata* and the *redditus*. He finds himself in difficulty when it comes to connecting the teaching of St. Dominic with the Constitutions. Perhaps his intention to transfer the question from the practical level, which constituted the background of Iohannes's argumentation, to a theoretical level was not a good for his exposition.

The pivotal point of his work are the laws—canonical and common—and the *consuetudines* which, as we saw, were at the center of the discussions which took place up until this point, and which constituted also the main part of Raymond's *Quaestio* (fols. 219^r–221^v). Let us quote the beginning: "The custom is to be preserved, all the more because it con-cords with common law which grants perpetual possessions and income and is reasonable."⁵⁴ It should be said that, in particular, the tolerance of more relaxed customs in the convents was a principal trait of the various Avignonese popes and it is not surprising to find a confirmation of it by a Dominican of that obedience. On the other hand, it is to some extent surprising to see Thomas being quoted so often, concerning the concept of *perfectio* and *paupertas* and then to see his claims about *mendicitas* refuted, which he had vigorously defended before the seculars who saw in it an unworthy tendency to religious extremism.

I say ... that to live off mendicancy does not add anything to the perfection of poverty, since perfect poverty consists in the following: that voluntarily for Christ, one sheds oneself from all which one has and gives it to the poor ... and when (Christ) sent the disciples to preach, he did not say they should live off mendicancy but that they should accept that which was given to them by others and that they should preserve it for their own necessities and those of their companions ... Though (the preaching brethren) be amongst the Mendicant Orders, they are

⁵⁴ BNCF Conv. soppr. J.10.51, fol. 219^r: "Quinto arguo consuetudo rationabilis est et per scripta inconcusse servanda est."

not held to begging every day. They may live also on perpetual charity and beg only in cases of necessity.⁵⁵

Looking closely, these are the same arguments given by Thomas' adversaries. He answered in the following manner:

For this reason, it is blasphemous to say that mendicancy is unlawful ... Thus begging is not unlawful, but may be a work of penitence. In this way, to beg in the name of Christ pertains to the perfection of life, just as the other works of penitence on which religions are based.⁵⁶

As we can see, the conclusions concerning mendicancy changed with the times, it is no more the case of defending one's own identity and history as a Mendicant, but rather to justify usages and customs through which it is difficult to distinguish a Mendicant from a monk or a secular. For indeed, in his *responsio*, Cabasse begins precisely with the fact that *ex voto* and *ex regula* Dominicans are just like regular canons.⁵⁷ The identity of the Mendicant Orders, according to the Avignonese obedience is no longer based on the *altissima* poverty of its origins; it has no need for it in order to pursue its primary goal, that of evangelising the incredulous.

For this reason, we conclude that it is not only lawful that the preaching brethren have perpetual possessions, but it is also due to them that they have perpetual income. If the Order, having thus observed the intention of St. Dominic, were to follow to the word his ordinance, the Order would perish, it would then be the final intention of St. Dominic which would be lost.⁵⁸

⁵⁵ BNCF Conv. soppr. J.10.51, fols. 223^v–224^r: "Dico tertio quod de mendicitate vivere nil addit ad paupertatis perfectionem, quia perfecta paupertas consistit in hoc: quod voluntarie pro Christo cuncta que habet deserat et tribuat pauperibus ... Et cum misit discipulos ad predicandum non dixit quod mendicando viverent sed voluit ut ab aliis eis oblata reciperent et pro necessitatibus suis et suorum illa servarent."

⁵⁶ Thomas Aquinas, O.P., *Contra impugnantes*, pars 2 cap. 6 co., ed. in *Sancti Thomae de Aquino Opera omnia*, vol. 41, *Contra impugnantes Dei cultum et religionem; De perfectione spiritualis vitae; Contra doctrinam retrahentium a religione* (Rome, 1970): "Unde blasphemum est dicere, quod non liceat mendicare. ... Ergo mendicare non est illicitum, sed potest esse poenitentiae opus; et ita assumere mendicationem propter Christum ad perfectionem vitae pertinet, sicut et cetera poenitentiae opera, in quibus religiones fundantur."

⁵⁷ BNCF Conv. soppr. J.10.51, fol. 223^r: "Dico ergo quod paupertas ad quam obligantur fratres predicatorum tam ex voto quam ex regula nec est alia nec magis arcta quam sit paupertas ad quam tenentur canonici (*sic*) regulares."

⁵⁸ BNCF Conv. soppr. J.10.51, fols. 224^v–225^r: "Propter quod concluditur quod nec solum est licitum fratres predicatorum habere pensiones perpetuas, sed est insuper et debitum ipsos habere legata perpetua. Et quod ordo duceret et servetur beati Dominici intentio quantum ad litteram servare ordinationem Dominici et quod ordo periret et Dominici perderetur finalis intentio."

But not only this, for there is no more need for sufficient reasons to justify the abandonment of questing, as both Iohannes de Biblia with his pragmatism—there is no *religio* which lives solely from charity—and John of Dambach with his jaded look on the present, tended to do. The latter, who wrote in 1362, repeated often in his Treatise the sentence *non obstante ipsorum mendicitate* and he complained that by now charity has cooled off to such an extent that the brethren with their collection, could never collect the necessary requisites for their maintenance.⁵⁹ On the contrary, Raymond does not look for justifications neither in the evidence nor in the coolness in modern hearts, but rather liquidates mendicancy as a useless disguise, a forgotten and unnecessary practice. He goes beyond what his predecessors had written, for whom possession was allowed, but only in case charity was not sufficient for maintenance;⁶⁰ Raymond reverses the argumentation and affirms that mendicancy is restricted to cases of necessity and is not a daily practice of the brethren.

For Raymond therefore mendicancy is not strictly connected to being a preacher who has, invested by St. Dominic himself, his principal end in the proclamation of the Gospel, from which no material preoccupation should distract him. Raphael of Pornassius does not mention the malediction proffered by St. Dominic, Cabasse on the other hand, tries to explain it at the end of his work, though in a slightly confused way. He interprets its sense as a general warning not to fall in the traps set by too many benefits, enjoyed by monks and regular canons, which could lead the brethren to neglect their task of preaching.

I note that St. Dominic, when he established the Order, wanted the brethren of his Order to have what necessarily is convenient to man ... i.e. a house, food, clothing and books appropriate and necessary for evangelical preaching, as is manifest by the rule.⁶¹

⁵⁹ Iohannes de Dambach, O.P., *Tractatus de proprietate mendicantium*, ed. in Löhr "Die Mendikantenarmut," p. 402: "De tali incerta mendicitate, quae sola sufficeret ad tribuendum victum et congruam sustentationem, quod moderno tempore, quo caritas refriguit, praesertim in partibus Rheni, non posset facere mendicitas fratrum Praedicatorum."

⁶⁰ Cf. Petrus de Palude, O.P., *Littera responsiva*, ed. in Mortier, *Histoire des maîtres généraux* 3:131, n. 1: "Praelatus ... valeat dispensare ... ex causa rationabili ... si conventus aliquis vel frater non possit habere necessaria ad victum vel vestitum ac libros necessarios ad predicandum." Iohannes de Dambach *Tractatus de proprietate*, ed. in Löhr "Die Mendikantenarmut," 412–413.

⁶¹ BNCF Conv. soppr. J.10.51, fol. 225^r: "Noto quod beatus Dominicus cum ordinem instituit voluit fratres sui ordinis haberent ea quae necessario conveniunt hominibus ... scilicet domum victum vestitum et libros convenienter necessarios evangelice predicationi, ut patet ex regula ...".

At the beginning of the next century, the devoted disciple of Giovanni Dominici, Antonino Pierozzi of Florence admits, in effect, the impossibility of a generalised application of the rigid original rule.

Antonino⁶² entered the Dominican Order in 1405 at Cortona, a reformed convent, before moving to the new observant convent of San Domenico at Fiesole in 1406. He favored, and subsequently lead—thanks to the support of the Medici—the installation in Florence of the Observants, establishing themselves at S.Marco. In 1437 he was named Vicar of the Observance for all of Italy and in 1445 invested with the office of Archbishop of Florence. All his works received an especially wide diffusion, in particular the two great *Summae* which he wrote in the years of his bishopric: the *Summa theologiae*, a compendium of moral theology divided into four parts and the *Chronicon* which was supposed to complete the theories presented in the first work, giving for each of the six ages of the world the biographies of just and upright men.

At *titulus* 23 of book III of the *Chronicon*, his conclusions concerning poverty in the Dominican Order are synthetically given:

And in every thing, his (Dominic's) testament should be observed, where necessity is not pressing, as in the case of brethren who cannot live in another way with an adequate number ... If indeed God, according to the diversity of the times, changes the prohibitions and the ordinations made to man ... and also the Church changes its decrees ... in the same way, if the conditions of the times have changed, let the Constitution be changed or dispensed, when it seems that it is not possible to draw sustenance in another way⁶³

Though he lead his own life with severity, Antonino understands that the strict observance of the norms on mendicancy could put the Dominican community in danger of not surviving. He takes up therefore, with no

⁶² For a complete biographical and bibliographical profile see the entry *Antonino Pierozzi, santo* in *Dizionario Biografico degli Italiani*, 3:524–532, Kaeppli 1:80–100 e C.A.L.M.A.: *Compendium Auctorum Latinorum Medii Aevi (500–1500)* 1/3:298–300. See also, Vasoli, *La Scolastica in Italia*, 98–101.

⁶³ Antoninus Florentinus, O.P., *Chronicorum opus*, tit. 23, cap. 4 par. 13, ed., Pierre Madur, vol. 3 (Lugduni 1586), 3/3:628; “Et omnino servandum testamenti eius ubi necessitas non urgeat, utpote quia fratres aliter vivere non possunt in numero competenti ... Si enim Deus secundum diversitatem temporum mutat prohibitiones et ordinationes factas hominibus ... et ecclesia etiam mutat sua decreta ... ita etiam si mutatis conditionibus illius temporis, mutetur seu dispensetur illa constitutio, cum aliter apparet sustentari non posset.”

particular originality, the claims of the preceding literature and draws out the same kind of social frame of indifference and intolerance towards collection:

Today religious orders have multiplied, just as the number of beggars of both sexes. Since there is inequity in abundance, the charity of many has cooled off, and, though wealth augments in precious jewellery and pomp of the seculars, they are miserly when it comes to charity and would rather spend their money in hairdos and superfluous ornaments and decorations for churches rather than helping the poor.⁶⁴

In practice, Antonino adopts all the old considerations on the *caritas refrigiscens* which St. Dominic had, in contrast, violently attacked. He thus takes upon himself the conciliation of the discussion on more practicable positions within the Order. The times were changing also for the Observants, who up until then were reluctant to stray from the word of the rule, in the wake of the chiding given by the Reform of Raymond of Capua and Giovanni Dominici. Bartholomew Texier, General Master and convinced reformer (1426–1449), had already obtained from Eugene IV a bull granting him the power to dispense convents from the strictest poverty. As Mortier has rightly observed, the Observant side has here had recourse to the pope precisely in order to have an external authority to ratify and definitively sanction beyond any internal division, decisions which, perhaps from within the Order, they had not been courageous enough to take.⁶⁵

The last touch was given under the headship of Leonardo Mansueti to whom Pope Sixtus IV granted the *Considerantes* bull (1 July 1475): the right of possessions for all convents.⁶⁶ Thus property became a common universal right and no longer connected to special dispensations. In reading the short text of the bull, we can see how the Franciscan pope had been well aware of the opposing arguments concerning possessions which took place within the Mendicant Orders, for he takes up all the *loci communes* which we have seen to be the leading points of the so-called

⁶⁴ Antoninus Florentinus, O.P., *Chronicorum opus* *ibid.*: “Nunc multiplicatae sunt religiones, quaestuantium etiam in utroque sexu. Et quoniam abundavit iniquitas, refriguit caritas multorum et multiplicatis pecuniis ex gemmis et pompis laicorum, parci sunt in elemosinis dandis et libentius expendant in capellis et ornamentis superfluis et pompis ecclesiarum, quam in subventionem pauperum.”

⁶⁵ Mortier, *Histoire des maîtres généraux* 4:494.

⁶⁶ Ed. in *Bullarium Ordinis fratrum Praedicatorum*, ed. Thomas Ripoll, O.P. and Antonin Bremond, O.P., 8 vols. (Rome 1729–1740), 3:528.

Conventualists: that cruel times do not allow a sufficient collection to sustain the brethren, because charity has cooled off, therefore it is now necessary to have a derogation from the norm of poverty.

The *Considerantes* was ratified by the next Dominican Chapter, together with the added decree *Nuper nostras* of the 13 April 1478 and closed a crisis of consciences which had run through a whole century.

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